IDEAS OF RELIGIOUS TOLERATION

AT THE TIME OF

JOSEPH II

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II

ABSTRACT

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This study examines Austrian ideas of religious toleration expressed in connection with Emperor Joseph II's Edict of Toleration of 1781. There were three generally different points of view: conservative Catholic, enlightened Catholic, and secular humanist. Conservatives, such as Maria Theresia, Count Blumegen, and Cardinal Migazzi, agreed with Pius VI and most theologians that a Catholic ruler might grant toleration only in case of unavoidable necessity; otherwise he must use his God-given coercive power to maintain the true faith.

On the other hand, Joseph II, Kaunitz, Abbot Rautenstrauch, and other moderately enlightened Austrian Catholics treated religious dissent as undesirable but condemned the use of force to suppress it. Moreover, they argued that religious toleration was in the interest of both state and church. Moderate, secular-minded reformers like Kaunitz thought the Edict would quiet peasant unrest, increase population, and cultivate good relations with Protestant powers. The religious-minded, under the influence of Muratori and Febronius, regarded toleration as a form of charity, the heart of true Christian devotion, whose practice is the best means of restoring Christian unity. While enlightened Catholics came into conflict

with contemporary Catholicism, as between Pius VI and the Austrian government, in the years 1785 to 1787, over the orthodoxy of Bishop Herberstein's justification of the Edict of Toleration, their arguments did not touch on basic doctrine nor question the church as a divine institution. Therefore, conservative Catholics generally reconciled themselves to the Emperor's new policy.

On this Christian and pragmatic foundation, the via media of the Enlightenment in Austria, the Emperor, aided by enlightened clerics, government officials, and journalists, worked out a sincere, but restricted program of religious toleration. On the one hand, the government permitted most Protestants to worship privately, to form religious associations, and to enjoy most of the rights of citizenship. Fearful of peasant unrest, it persecuted the Deists in Bohemia and other nonconformist sects. In deference to anti-Semitism the government denied full liberty to the Jews, but it relieved them of many vexatious regulations. On the other hand, the Josephinist program of toleration called for the continued predominance of the Catholic church in public life. The government discouraged the defection of Catholics from the church by increasing the difficulty of joining a tolerated confession. Further it attempted to counteract the spread of religious indifference by publicly endorsing the Catholic faith.

In contrast to the attempt of moderate Josephinists to reform, rather than overthrow, the traditional established church, a minority among enlightened Austrians desired the complete secularization of society. Steeped in pagan literature, classic and modern, and inspired by masonic ideals of brotherhood, the literati of Vienna, as well as Gottfried van Swieten, tried to inculcate in the people a tolerance synonymous with religious indifference. They encouraged the growth of a

civic religion without transcendental creed or code and let individuals determine their own religious principles. From key positions in the schools and the censorship, the secular humanists fostered their idea of toleration in appointing teachers and school officials, selecting textbooks, and encouraging writers of their own point of view. From the masonic lodges they poured out a stream of pamphlets, poems, and periodicals ridiculing fanaticism while advocating the natural brotherhood of man. The Emperor, however, recognized in their propaganda a threat to Catholicism as the dominant religion of the state and eventually reduced their influence. But not before the radicals had convicted the Catholic church of intolerance and sowed the seeds of laic mentality among educated Austrians.

iii

TABLE OF CONTENTS

		Page
INTRODUCTION		1
Chapter I.	RELIGIOUS DISSENT IN THE HAPSBURG MONARCHY	15
II.	JOSEPH'S SYSTEM OF RELIGIOUS TOLERATION	36
III.	EDUCATION AND CENSORSHIP	65
IV.	ENLIGHTENED CATHOLICS	91
V.	THE JANSENISTS	129
VI.	THE SECULAR HUMANISTS	150
EPILOGUE		185
CONCLUSION		189
BIBLIOGRAPHY		195

INTRODUCTION

Religious toleration in the eighteenth century is usually associated with Protestant England, Holland, and Prussia. It is less well known that, shortly before the French Revolution, the Hapsburg monarchy became the first Catholic state to extend full civil rights to most non-Catholics. In the Edict of Toleration, October 21, 1781, Joseph II initiated this reform; he carried it out with the assistance of an enlightened elite of government officials, academicians, and journalists, and kindred spirits in the aristocracy, clergy, and the professional classes. The needs of the state were uppermost in the minds of these reformers. But an enlightened Catholic point of view also prompted their new policy and helped determine its content.

The Edict of Toleration represents a major change in the Hapsburgs' religious perspective. The dynasty had led the Counter Reformation in central Europe, and its greatest representative, Maria Theresia, preserved the traditional policy of religious intolerance almost intact up to the end of her long reign. The official change that came under Joseph seems unusually abrupt; it took less than a year. But a profound change in spirit among educated Austrians, since the 1760's, had prepared the way.

It is true that mainly non- or irreligious forces carried Austria, like Sweden and other European countries, toward religious toleration. The rise of the modern, centralized, secular state weakened several of

2

the main bastions of intolerance, particularly the rights of the clergy and other privileged orders, excluding non-Catholics from public life. The Austrian Hapsburgs, driven by dire necessity in the wars with Prussia, from 1740 to 1763, brought autonomous corporations, such as the estates of the nobility and the clergy, under the effective control of the central administration, and greatly strengthened the secular character of public life. In the long peace following the Treaty of Hubertusberg in 1763, the state continued to extend its competence at the expense of the church, assuming charge of education and the censorship.

While systematically developing the national economy in this period, the state came to appreciate several practical advantages of toleration. It seemed axiomatic to Maria Theresia, her ministers, and Emperor Joseph, under the influence of mercantilism and physiocratic economic thought, that a state's power stood in direct proportion to the size and quality of its population. Therefore, to provide for numerous, prosperous subjects, able to bear a heavy load of taxation and to supply sturdy conscripts to the army, the Hapsburgs tried to attract immigrants, particularly German peasants and artisans, offering among other inducements, the promise of religious toleration. Under Joseph, this enlightened attitude toward economic development led to the Edict and other legislation removing obstacles to the productivity of non-Catholics.

Joseph's government also practiced toleration to prevent the emigration of its non-Catholic subjects to hostile Saxony and Prussia. Other measures, such as close surveillance of the frontiers and an onerous system of passes for travel abroad, had only partially stemmed a steady drain of peasants disaffected by religious persecution. Since the government had granted toleration to the Greek Orthodox in the eastern lands

3

to lessen their favorable inclination toward Russia, it seemed reasonable to apply a similar policy in the western lands toward the Protestants inclined toward Prussia. These secular motives for toleration were strengthened by a horrid example of the 1730's, the mass migration of Protestants from the neighboring ecclesiastical principality of Salzburg to Prussia.

While the state grew more secular and absolute, educated Austrians, especially through freemasonry, gained an increased awareness of the dignity of the individual person and the natural bonds of human fellowship. This humanitarianism not only contributed to the reform of the penal code and to the suppression of torture, it also undermined the civil law prescribing the use of force against religious dissenters. Moreover, it weakened the sectarian attitude, characteristic of Catholicism during the Counter Reformation, whose spirit of exclusiveness, easily turned into religious intolerance.

As the Austrian elite became more humane, it also adopted the rationalistic set of mind, common to educated Europeans in the eighteenth century. After mid-century, Austrians manifested growing aversion to "fanaticism," to the ideas, attitudes, and behavior that violate practical reason. This new mentality rejected the dogmas of the established church as superstitious or, at best, theological opinions. Certainly no one should be compelled to assent to them. The treatment of religious non-conformists should be determined either by natural law or by social utility. The "reasonable" man thus came to doubt the wisdom of the traditional insistence that the ruler must establish religious uniformity among all his subjects.

These secular forces, however, were not the sole causes of religious

4

toleration. They often fused with two contemporary religious movements liberalizing the attitude of Catholics. From Italy, about mid-century, came a current of enlightened Catholic thought, chiefly in the theological writing of Ludovico Muratori, archivist in Modena.[1] Enlightened clerics, particularly, welcomed his ideas as a basis for condemning the excesses of baroque piety and as a guide to an active, practical Christianity. While opposing the use of force, Muratori expressly defends traditional prohibitions upon non-Catholic public worship. He also regards heresy as a civil as well as ecclesiastical offense.[2] However, his conception of an ethical, Christ-centered piety, devoted to the practice of fraternal charity, prepared the way for the view that religious toleration is a Christian virtue rather than a form of religious indifference.[3] His enlightened pedagogical doctrine led to the conclusion that evangelization can only be carried on by non-violent means, by gentle preaching that elicits the non-Catholic's free assent rather than a mere external conformity. Joseph II, as well as many of his clergy, drew out these implications and embodied them in an enlightened attitude toward non-Catholics.

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[1] A brief, comprehensive study of Muratori (1672-1750) and his works is found in E. Amann, "Muratori," Dictionnaire de Théologie Catholique, X, 2550-54.

[2] L. Muratori, De ingeniorum mediatione in religionis negotio (Paris, 1714), Bk II, pp. 335-36. Sergio Bertelli, Erudizione e storia in Ludovico Muratori (Napoli, 1960), pp. 401-4, stresses the ambiguity in Muratori's conception of toleration, illustrated on the one hand by his moral condemnation of "holy war" and on the other by his unreserved approval of the Revocation of the Edict of Nantes.

[3] For a summary of Muratori's enlightened moral theology, see his Della regolata divozione de' cristiani (reprint of the 1st ed., 1747; Venezia, 1761), pp. 370-84. His basic moral treatise is Della carità cristiana in quanto essa è amore del prossimo (Modena, 1723).

5

In the 1760's and 1770's Austrian Catholics also felt the influence of Febronianism. This German Gallicanism displayed considerable concern for Christian unity in Germany.[4] Under the pseudonym, Febronius, Bishop Hontheim, auxiliary of Trier, advocated not only strengthening episcopal at the expense of papal authority, but also religious toleration. Both measures, he believed, might induce Protestants to cooperate in a reunion of the Christian churches. This point of view led many Austrian clerics practicing Muratori's enlightened piety to attempt to win over the Protestants with love rather than force.

II

Conditioned by these secular and religious forces, Joseph made religious toleration an integral part of his statecraft. To be sure, he aimed mainly at increasing the power of the state. In contrast to his mother's aristocratic sympathies, Joseph felt contempt for the nobility; he often used officials of middle class origin in his service. By his Edict the Emperor prepared a place for Protestants in the bureaucracy, lessening the monarchy's dependence on the Catholic feudal aristocracy. Moreover, he considered toleration a means to improve the condition of the peasantry. The reform would help free Catholics from religious prejudice and would contribute to strengthening the loyalty of Protestants. Free to worship privately and to maintain pastors and teachers, the Protestant peasants would be less likely to riot, as in Bohemia and Moravia in 1775, or to emigrate.

Religious toleration was also part of Joseph's policy of restricting the independence of the clergy. He repudiated the ancient principle of

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[4] J. Küntziger, Febronius et le Febronianisme. Étude historique sur l'origine des réformes religieuses de Joseph II (Bruxelles, 1891), Chap. IV.

6

Catholic political philosophy that the ruler's coercive power is at the call of the hierarchy, to be used against heretics, apostates, and other enemies of the church; the Edict vindicates the state's autonomy in temporal matters. Joseph limited the jurisdiction of Rome to the purely spiritual. He made marriage a civil contract and continued his mother's policy of treating education as a "politicum." And he put the clergy on a salary under governmental control. Suppressing about one third of the monastic houses, he diverted their wealth to the state's fund for education; the remaining religious communities had to sever their connections with foreign superiors and submit to governmental control. Religious toleration figured in this reform, for enlightened Austrians considered the monks a major source of the fanaticism and superstition inciting Catholics against the Protestants.

Joseph, moreover, treated religious toleration as part of his policy of rationalizing the operation of the church. Allowing Protestants to establish their own churches would "cleanse" the established church of unwilling members, making it a more effective institution. The Edict, in this respect, is related to those reforms of the liturgy, ecclesiastical architecture and interior decoration, and ecclesiastical organization, preparing the church to be an agent of enlightenment among the people.

Joseph's ecclesiastical politics, like the rest of his statecraft, was secular but not secularistic. To be sure, some historians argue that his policy of toleration was purely utilitarian, that it did not spring from religious principles. Ultramontane critics, Sebastian Brunner in the nineteenth century and Ferdinand Maass in the twentieth, depreciate the religious significance of the Edict, as well as of the other Josephinist reforms of the Austrian church. Likewise, secular-minded historians

7

have ignored the religious roots of the Edict. Mitrofanov, Joseph's most reliable biographer, writes that the Emperor conceived the policy of toleration only to serve the economic and political needs of the state.[5] Recently, Ernst Wangermann has reiterated this view: the Edict was nothing more than "a device for attracting foreign skilled craftsmen to the new industries of Austria and settlers to the wastes of Hungary."[6]

Granted that the needs of the state were foremost in Joseph's mind, they were not his exclusive concern. Both ultramontane and secularistic critics overlook the Edict's indebtedness to the enlightened Catholic thought of Febronius and Muratori. The Edict of Toleration itself justifies the new policy, not only on grounds of utility but also religion. In the didactic preface, Joseph calls the reform a Christian tolerance implying that it is based on Christian principles. Christian tolerance is not an empty phrase. Joseph himself, unlike Frederick II, was a believing Christian, as were most of the men who helped to frame and to defend his policy. On the basis of religious convictions drawn from the New Testament and other Christian sources, they treated tolerance as charity applied to non-Catholics. And they encouraged its practice with specifically Christian inducements and sanctions. Christian tolerance thus reflects a world view somewhat at variance with the reasonable and humane outlook of many eighteenth-century deists and secular humanists.

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[5] Paul von Mitrofanov, Joseph II. Seine politische und kulturelle Tätigkeit, translated from Russian by V. von Demelič with an introduction by Dr. Hanns Schlitter (Wien, 1910), p. 712.

[6] Ernst Wangermann, From Joseph II to the Jacobin Trials (London, 1959), p. 14.

8

III

This conception of tolerance raises two questions: How much did Joseph and other enlightened Catholics draw from Catholicism itself? To what extent did they come into conflict with contemporary Catholic outlook?[7] The strict test of their orthodoxy is whether they agree with authoritative definitions of the faith. Their views might be heterodox but not morally reprehensible. Only a Christian who wilfully rejects a defined truth is a heretic. Conservative Catholics sometimes implied that enlightened Catholics were guilty of heresy. Josephinists, on the other hand, virtually repudiated the notion of heresy, on the ground that no one can verify its formal element, wilfullness. In late eighteenth-century Austria there were two theological controversies in which heterodoxy was likely to be found. The first was the dispute, inherited from the Reformation, concerning justification and the sacraments. Joseph and most of his supporters accepted Catholic doctrine as defined at the Council of Trent and the other general councils of the

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[7] At issue among Catholic historians is the orthodoxy of the German Catholic Enlightenment. A positive interpretation was given by Sebastian Merkle, Die katholische Beurteilung des Aufklärungszeitalter (Berlin, 1909) and Die kirchliche Aufklärung im katholischen Deutschland (Berlin, 1910). The integralist Catholic, J.B. Sägmüller, took a contrary view in Wissenschaft und Glaube in der kirchlichen Aufklärung (Essen, 1910), and Wissenschaft und Unglaube (Essen, 1911). In recent literature, Andreas Posch, Die kirchliche Aufklärung in Graz und an der Grazer Hochschule (Graz, 1937) and Eduard Winter, Der Josephinismus und seine Geschichte (Wien, 1943) hold that enlightened Catholics aimed at a true reform of the church. Winter in a revised edition, Der Josephinismus: Geschichte des Reformkatholizismus (Berlin, 1962), has somewhat altered his general interpretation. Josephinism was not only a reform of the church, but also a bourgeois reform movement prepared to make far-reaching concessions to feudalism. He continues to regard Josephinists as believing, sincere Catholic reformers, but he now insists that their point of view was utopian, pp. 352 ff. He also takes issue with the anti-Josephinist views in Ferdinand Maass, Der Josephinismus, I-V (Wien, 1951-61).

9

church. The second controversy, growing out of the confrontation between rationalism and Christianity, concerned the authenticity and the inspired character of Holy Scripture, the infallibility of the church assembled in general council, and the necessity of belonging to the church for salvation. To these questions most Josephinists gave orthodox responses. However, an influential minority, nominally Catholic, considered themselves deists and professed a kind of natural religion.

The Jansenists among Joseph's followers are more difficult to classify. On the one hand, contemporary ultramontane critics accused them of holding heretical propositions. But the Jansenists themselves insisted that their beliefs accorded with Holy Scripture and the decrees of the councils. The government, ignoring seventeenth and early eighteenth-century papal condemnations of Jansenius and Quesnel, employed Jansenists as professors in the general seminaries and welcomed their writing in defense of toleration. In any case, in issues touching on religious toleration, the Jansenists in Austria professed unequivocally orthodox doctrines.

The meaning of religious toleration varied greatly according to the different religious perspectives held by Austrians. When the deists used the word, they were referring to religious indifference. For enlightened Catholics, on the other hand, religious toleration signified first respect for the civil rights of the dissenter, religious liberty; and second respect for his personal dignity, Christian charity. However generously they might define religious liberty, and however benevolently they might treat the dissenter, enlightened Catholics could not regard with indifference his unorthodox beliefs.

Conservative Catholics, in contrast, did not acknowledge this

10

difference in deistic and enlightened Catholic usage. They referred to both conceptions pejoratively as religious indifference. Out of anxiety lest error spread among the faithful, conservatives justified religious toleration only if it were unavoidable and restricted to specific concessions, such as to build churches and to hold offices. They did not include in the concept an attitude of respect for the person being tolerated. At best, they treated him with condescending kindness, since they would not admit that he might be honorable in his error. They considered him guilty of heresy, wilfull rejection of God's Word, drawing this conviction, not from an analysis of the "heretic's" conscience but from theological reasoning: anyone who rejects the doctrine preached by the Catholic church must do so wilfully since God always offers him sufficient grace for believing.

These theological distinctions concerning the orthodoxy of Joseph's point of view have profound political, as well as religious significance. The Edict of Toleration was an important part of an over-all reform of the Hapsburg monarchy. Not only was it to contribute to improving the economy of the state, but also to help to inoculate large Protestant minorities against the virus of revolution. If religious toleration did not compromise essential Catholic truths or conflict with the vital interests of the church, it might not meet massive active hostility from the common people nor from the clergy, nor even from the Holy See. In sum, it had a better chance of being successful if it were Christian as well as useful.

IV

The political structure of the monarchy, partially centralized and absolute, contributed to making this reform relatively enlightened. Unlike

11

the much more restricted toleration conceded to Catholics in England in 1779 and in Sweden in 1781, the Austrian edict was not discussed, much less enacted by a representative assembly. Conceived by the Emperor and gradually articulated in the central councils of the state, the reform was more liberal than it would have been had the government consulted the estates, dominated by feudal nobility and clergy.

The offices of the central administration favorable to the reform included the State Council, the Emperor's highest advisory body. A majority of its five members including Kaunitz, consistently recommended enlightened solutions to the problems of the monarchy. The State Chancellery, which not only conducted foreign affairs but also administered the Austrian Netherlands and Austrian Lombardy, reflected the attitude of Kaunitz, its head. On the other hand, the court chancellery for the provinces under the Austrian and Bohemian crowns as well as the Kingdom of Galicia, obstructed the reform. The work of this office, whose Bohemian and Austrian lands comprised the core of the monarchy, inevitably touched on the problem of religious minorities. The chancellery received reports from the governors and certain other officials and dispatched royal decrees, explaining if necessary their legal aspect. The chancellor was to inform the monarch if the royal command was at variance with existing law and point out evil consequences that it might occasion. Under cover of this responsibility, a conservative chancellor such as the head of the Bohemian-Austrian Court Chancellery, Count Blumegen, or his counterpart in the Hungarian Court Chancellery, Count Esterhazy, could attempt to impede the new policy.

Several autonomous commissions, reporting to the monarch through these chancelleries, gave invaluable assistance to the government's policy

12

of toleration: the Court Censorship Commission, through the censorship; the Court Commission on Education, in the educational system; and, beginning in the summer of 1782, the Court Commission for Religious Affairs, in the ecclesiastical administration. The competence of these commissions and their filial branches extended over the entire monarchy. In dealing with the problem of religious dissent, they exercised their considerable power in a progressive way.

The constitutions of the various parts of the monarchy presented this relatively enlightened administration with two kinds of obstacles to religious toleration: traditional prohibitions on unilateral action by Vienna and local restrictions on religious minorities. The two large detached parts, the Austrian Netherlands and Austrian Lombardy, administered by the State Chancellery more like profitable colonies than integral parts of the monarchy, had constitutions excluding non-Catholics from offices, ownership of property, honors and titles, and crafts. The privileged orders vigorously defended their traditional right to control local administration and justice, a formidable impediment to religious toleration. In contrast, the lands of the Bohemian and Austrian crowns were more securely under central control. They composed a relatively unified administrative block, divided into ten gubernia, each subdivided into several districts. This entire administrative apparatus was controlled from Vienna. Aristocratic and clerical landlords administered local affairs in the countryside under the more or less watchful eyes of royal officials. Except in Silesia, the fundamental laws of these provinces excluded Protestants.

The Kingdom of Galicia, taken from Poland in the first partition in 1772, preserved much of its traditional aristocratic constitution. The

13

Polish nobility controlled the lower levels of administration. A royal governor, who reported to the Bohemian-Austrian Court Chancellery, directed Galicia's central administration. The Hapsburgs recognized certain concessions made by the Polish government to Protestants shortly before the partition.

Likewise, in Hungary the monarch's authority extended chiefly over the kingdom's central administration. The estates met infrequently under Maria Theresia, and not at all under Joseph. By 1780, the upper nobility, on the whole, had reconciled itself to the loss of national autonomy, accepted Catholicism, and entered Hapsburg service. The lower nobility, on the other hand, remained largely Calvinist; keeping alive the spirit of Hungarian independence, they held control of county government. On the constitutional position of Protestants, Hungarians divided along religious lines: The Catholics supported the restrictions imposed on Hungarian Protestantism by Charles VI in the early eighteenth century; and the Protestants claimed the full religious liberty promised to them by the Austrian Hapsburgs in the seventeenth century.

The Grand Principality of Transylvania, the easternmost part of the monarchy, retained most of its traditional autonomy: The privileged nations, Hungarian, Saxon-German, and Seckler, managed the affairs of the province through local councils and elected officials. The royal governor, under the Transylvanian Court Chancellery, had to respect the constitution recognizing the Lutheran, Reformed, Unitarian, and Roman Catholic churches as established and the Greek Orthodox as tolerated.

These heterogeneous lands reacted to Joseph's Edict of Toleration in different ways. Where the desire for local autonomy was strong, even Protestants resented the Edict as an arbitrary interference in the right

14

of self-government. In several lands, particularly Belgium and Hungary, the Catholic clergy, while objecting to the Edict's violation of traditional Catholic privileges and the canon law of the church, based their protests also on constitutional arguments.

V

This study will deal first with the new policy of toleration, its background, its enactment, and its application. Published correspondence and official documents reveal the points of view of Maria Theresia and Joseph, and the occasionally divergent opinions of Kaunitz, Gottfried van Swieten, Blumegen, and other important subordinates. Second, it will examine the writings of an enlightened minority of journalists and other authors defending the Emperor's reform. They not only justified the Edict, but they also attempted to inculcate a tolerant spirit in the general public through school textbooks, literary journals, treatises, episcopal pastoral letters, and numerous pamphlets. Polemic over the reform took place primarily in Vienna, the publishing center of the monarchy. It is true that controversies touching on this issue also arose in Hungary and the Austrian Netherlands; but they involved special constitutional questions at least as much as religious. This study shall focus on the Viennese literature, since it concerned itself almost exclusively with religious toleration as such.

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CHAPTER I

RELIGIOUS DISSENT IN THE HAPSBURG MONARCHY

Prior to 1780, the Austrian Hapsburgs held the traditional Catholic view of the state as a Christian Commonwealth (Respublica Christiana). Church and state, they thought, operate in different but harmoniously related spheres. As Advocate of the Church, a Christian ruler's duties were to protect ecclesiastical persons and property, to help maintain ecclesiastical discipline, and to support the clergy's evangelical mission among the people. Long before the eighteenth century, the servant had become virtual master in Austria as in most Catholic countries. The Hapsburgs controlled the appointment to high ecclesiastical offices in most provinces. Devoting their energies to protecting the Christian Commonwealth from Turkish attack and Protestant sedition, the Hapsburgs left the church in control of its own property, the liturgy, and the education of the people.

The office of Advocate accorded well with another aspect of monarchy, the ruler as father of his people (Landesvater). He looked upon the kingdom as a personal trust and its population as his children and servants. One of his chief duties was to safeguard them from corruption by heretics. The fall of Adam, as traditional theology frequently pointed out, has left man weak, inclined to rebellion, and susceptible to religious novelty. The Catholic ruler must save the people from their own weakness: he has to keep them away from vernacular editions of the Bible,

from Protestant books and preachers, and even from contact with lay non-Catholics. Moreover, anything less than complete Catholic uniformity invites rebellion and religious warfare like that which ravaged Europe in the sixteenth and seventeenth centuries.

This view of their responsibilities led Catholic rulers to regard heresy as a serious civil, as well as ecclesiastical crime, deserving the supreme penalty. The Austrian Hapsburgs, in practice, seldom imposed capital punishment for heresy. During the seventeenth and early eighteenth centuries, less violent means, such as exile and confiscation of property, proved to be quite effective, for organized Protestantism virtually disappeared from the lands of the Austrian and Bohemian crowns. Several patents excluded non-Catholics from public offices and honors, from craft gilds, and from ownership of land. The Jesuits, who held all chairs of philosophy and theology in the universities, exercised a strict censorship of the press. Non-Catholic worship and education were prohibited.

A widespread effort to rejuvenate piety among the common people accompanied these measures of repression. Church architecture and music, pilgrimages, processions, and feasts, all inculcated a Catholic view of life. The monks preached simplified versions of Catholic faith to peasant congregations and indoctrinated the youth in the catechism of Peter Canisius, while Jesuits and Piarists educated the nobility and the townspeople.

By mid-eighteenth century the Counter Reformation had made great progress in the Hapsburg monarchy but had failed to achieve religious uniformity.[1] In the 1770's, non-Catholics numbered about 3,400,000 in a

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[1] Adam Wolf, Österreich unter Maria Theresia (Wien, 1855), pp. 403-44.

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population of 20 million. The victory of Catholicism was complete in the western provinces except in neglected mountain districts of Styria, in isolated rural areas of Bohemia and Moravia, and in Silesia where the Protestant nobility enjoyed by treaty the right to worship privately on their estates. In the free port of Trieste, also, small Jewish and Protestant communities were officially tolerated, while the Greek Orthodox enjoyed the right of public worship.

Most non-Catholics lived in the eastern provinces. In Transylvania they were an overwhelming majority. By treaties during the Turkish wars, the Hapsburgs recognized the Unitarian, Calvinist, and the Lutheran churches as officially established with the same rights as the Catholic church.[2] Protestants, in fact, held most provincial offices. The peasantry, mostly Wallachian, belonged to the Orthodox church which was merely tolerated.

In other parts of the kingdom of Hungary, the Hapsburgs tolerated a large, vigorous Calvinist minority among the Magyars. Lutherans, numerous among German-speaking colonists and merchants and in the Slovak peasantry, had considerable liberty. The Orthodox church, which served many Serbs in southern Hungary, was also tolerated. In the kingdom of Galicia, a large Jewish population, many Ruthenian Orthodox, and some German Lutheran merchants and colonists continued to enjoy the rights granted by the Polish king.

The conversion of these religious minorities to the Catholic faith was a lifelong, ultimate objective of the empress, Maria Theresia.[3] Such

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[2] Francesco Ruffini, Religious Liberty (New York, 1912), p. 394.

[3] G. Dorschel, Maria Theresias Staats- und Lebensanschauung (Gotha, 1908), p. 88.

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toleration as she gave was dictated by practical necessity. Especially severe in the first half of her reign, she issued new patents against apostasy in Transylvania and restricted the liberty of Protestants to emigrate from the Hapsburg monarchy, despite objections from the Protestant estates (Corpus Evangelicorum) of the Imperial Diet. To maintain uniform Catholic belief in the western provinces, she established special commissions, composed of civil officials and clergy, and gave them broad powers in areas suspected of hidden Protestantism. They were to set up mission stations and distribute Catholic literature. A kind of inquisition, they encouraged and received denunciations and ferreted out secret conventicles and Protestant books and preachers. They even tried to make sure that heretical opinions were not ventilated in conversations at the markets and in taverns. Thousands of Protestants, uncovered by these commissions, were forcibly moved to eastern provinces. A patent of 1749 prescribed hanging for anyone who sheltered heretics or assisted at their meetings,[4] but it was never enforced.

This legal severity was due as much to political as to religious reasons. The Hapsburgs and their ministers suspected non-Catholic subjects of disloyalty. In the 1730's Charles VI was aroused when Prussia urged the Protestant estates in Regensburg to demand religious liberty for Protestants in Hapsburg lands within the Empire and encouraged illegal emigration of Hussites out of Bohemia and Moravia into Prussia. For alleged pro-Prussian sympathies during the occupation of Prague in 1744,[5] Maria

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[4]E. Préclin and E. Jarry, Les luttes politiques et doctrinales aux XVII:e et XVIII:e siècles (Paris, 1956), II, 397.

[5]Hans Pirchegger, Geschichte und Kulturleben Deutschösterreichs, von 1526 bis 1792 (Wien, 1931), p. 335.

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Theresia ordered the Jews expelled from that city. She feared similar sentiments might grow in Hungary, where the Calvinist gentry, in the forefront of a tenacious defense of the kingdom's autonomy against the crown, kept alive the memory of the Rakoczi rebellion, 1703-1711.

The danger of secret cooperation between Prussia and local Protestants did not cease with the end of the Silesian wars. The loyalty of Protestants in the border lands, in particular, was suspect up to the very eve of the Patent of Toleration.[6] However, during the last fifteen years of Maria Theresia's reign, a perceptible relaxation of the old controls and restrictions took place. Peace and reconstruction became the monarchy's chief concern. The government's fear of sedition gradually diminished, to be replaced, especially in the State Council and the Co-regent Joseph, by a new enlightened attitude toward religious dissenters.

II

Three writers stand out among those who drew upon contemporary thought, implanting this new attitude in political science. Paul Joseph von Riegger, who introduced North German legal science into Austria, derived freedom of conscience, in part, from a rationalistic version of natural law.[7] As

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[6] During the War of the Bavarian Succession, 1778-79, Austrian officials reported pro-Prussian sentiments among the Protestant peasantry. Cf. Jos. Beyer, Oberamtmann in Wsetin, to Leopold Hay, December 7, 1778, in František Bednář, Zápas moravských evangelíků o náboženskou svobodu v letech, 1777-1781 (Der Kampf der mährischen Protestanten um die religiöse Freiheit in den Jahren 1777-1781) (Prag, 1931), p. 464.

[7] For Riegger's career see C. Wurzbach, Biographisches Lexikon des Kaiserthums Österreich (Wien, 1859-91), XXVI, 129-33. His jurisprudence is analyzed by Andreas Posch, Die kirchliche Aufklärung in Graz und an der Grazer Hochschule (Graz, 1937), pp. 99-101. Posch defends Riegger's Catholic orthodoxy: "his world view is not that of a rationalist; he regards the teaching office of the church as infallible." Cf. also, R. Stintzing and E. Landsberg, Geschichte des deutschen Rechtswissenschaft

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professor of ecclesiastical law at the University of Vienna, from 1753 to 1775, he attempted to infuse this principle into the Staatskirchenrecht. In his textbook, Institutiones iurisprudentiae ecclesiasticae, Riegger excludes the use of coercion in matters of conscience and forbids compelling religious dissenters to participate in a cult which they regard, even erroneously, as contrary to reason.[8] To justify his views, he appeals to the New Testament and the writings of the Fathers of the Church as well as to natural reason.

One of his early lay students, Karl Anton von Martini, professor of natural law at the University of Vienna, 1754 to 1774, attempted to reconcile contemporary natural law with classical and Christian jurisprudence.[9] He taught a generation of government servants as well as several of the children of Maria Theresia. In his treatise on law, he asserts that religious convictions cannot be forced on anyone, and that no human authority is superior to the law of reason.[10] More liberal than his teacher, Martini allows the toleration of erring churches, not merely in the case of unavoidable necessity but also if, in any

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(Leipzig, 1880-1910), 3. Abth. 1. Halbband, III/I, 381-82; and J.F. Schulte, Die Geschichte der Quellen und Literatur des kanonischen Rechts von Gratian bis auf die Gegenwart (Stuttgart, 1880), III/I, 208-10.

[8] Paul Joseph von Riegger, Institutiones iurisprudentiae ecclesiasticae (Wien, 1768-70). Under the same title, a revised, enlarged edition in four volumes, 1777-78, was officially prescribed until 1784. Since 1754, Riegger's course was required for all students in the faculty of law, and since 1767, in the faculty of theology.

[9] For Martini's views see Adolf Menzel, "Ein österreichischer Staatsphilosoph des 18. Jahrhunderts," Österreichische Rundschau, I (1905), 295-301, and Adam Wandruszka, Leopold II. (Wien, 1963), I, 89-95.

[10] Karl Anton von Martini, Lehrbegriff des Natur-, Staats- und Völkerrechts (Wien, 1783-84), I, Nos. 25, 313; III, Nos. 120, 249.

7

way, it serves the public interest.

This is akin to the utilitarian view of religion that was popularized by Joseph von Sonnenfels, professor of political science at the University of Vienna. Thoroughly secularistic and absolutistic,[11] he defends the necessity of a state church, as well as the need to curb free thinking and to suppress sectarianism, proselytizing, and other expressions of fanaticism.[12] He also argues, however, that the state should concern itself only with external behavior and not bother with a person's religious opinions. Sonnenfels, on the whole, exercised a liberalizing influence on Austrian policy, asserting that religious toleration was an effective way to prevent the flight of non-Catholics from the monarchy as well as to encourage immigration.[13]

During the co-regency, while these principles penetrated into the upper bureaucracy, Joseph shaped his own idea of religious toleration. The origins of this conception, as of his brand of enlightened absolutism,

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[11] See Robert Kann, A Study in Austrian Intellectual History (New York, 1960), pp. 146-258, for Sonnenfels' intellectual profile. For his mercantilism, see especially L. Sommer, Die österreichischen Kameralisten in dogmengeschichtlicher Darstellung ("Studien zur Sozial-, Wirtschafts- und Verwaltungsgeschichte," XIII [Wien, 1925]), 314-444. According to Sommer, p. 321, Sonnenfels' political science is mainly a description of the Regierungspraxis of the monarchy during the last decade of Maria Theresia's reign.

[12] For his teaching in the 1760's on religious freedom see his "Vorlesung über von Justis Staats-Wirtschaft (1763)," in Wien, AVA, Unterrichtsarchiv, Fz. 10, Polizei- und Cameralwissenschaften, 1763-84, §142 and §143. See also his Lehrsätzen aus der Polizey-, Handlungs- und Finanzwissenschaft (Wien, 1764), Nos. 3, 9, 12, and 13. He retained these views in the later editions: cf. Grundsätze der Polizey-, Handlungs- u. Finanzwissenschaft (Wien, 1770), I, No. 91, against free thinkers and atheists; and Nos. 116, 117, and 119. Also, ibid. (Wien, 1787), I, Nos. 94-98, and 145.

[13] Sonnenfels, "Vorlesung über von Justis Staats-Wirtschaft (1763)," §143. See also Grundsätze der Polizey (Wien, 1787), I, No. 145.

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is a much debated issue of eighteenth-century history.[14] By nature a restless, active, and headstrong person, Joseph developed his statecraft mainly through travel and practical experience in public affairs rather than through academic training and reading. The general idea of toleration was in the atmosphere of mid-eighteenth century Europe, but, perhaps, North German natural law literature most distinctively colored his outlook.[15] For Joseph's instruction, his tutor, Christian August Beck,[16] about 1754, adapted Samuel Pufendorf's, De officio hominis et civis secundum legem naturalem. Entitled, "Kern des Natur- und Völkerrechtes," this compendium, while not a slavish copy of the original, retains its views on the treatment of heretics or dissenters.[17] Like Pufendorf, Beck vigorously defends the inviolability of each individual conscience: it is not within the authority of the ruler to punish erroneous religious opinions, for "coercion in religion runs contrary to the law of nature." Freedom

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[14] Paul von Mitrofanov, Joseph II. Seine politische und kulturelle Tätigkeit (Wien, 1910), is the most comprehensive and useful study. S.K. Padover, The Revolutionary Emperor, Joseph II, 1741-1790 (London, 1934), is the best biography in English.

[15] Cf. Hans von Voltelini, "Die naturrechtlichen Lehren und die Reformen des 18. Jahrhunderts," Historische Zeitschrift, CV (1910), pp. 65-104.

[16] The older historiography held that Martini tutored Joseph, as well as the other children of the Empress. Convincing proof in favor of C.A. Beck, a professor at the Theresian Academy in Vienna, is given by A. Menzel, "Kaiser Josef II. und das Naturrecht," Zeitschrift für Öffentliches Recht, N.F., I (1919/20), 510-28. Cf. also von Voltelini, op.cit., p. 74. Despite Menzel's monograph, based on Joseph's Erziehungsakten, historians still repeat the discredited thesis, e.g. Ernst Benedikt, Joseph II. (Wien, 1947), p. 21; and W. Högl, "Bartenstein als Erzieher Josephs II." (unpublished Ph.D. dissertation, University of Vienna, 1959), p. 90, who also errs in attributing Beck's "Kern des Natur- und Völkerrechtes" to Bartenstein, p. 114. Cf. Menzel, op.cit., p. 513.

[17] C.A. Beck, "Kern des Natur- und Völkerrechtes" (unpublished manuscript in Wien, H.H.u. Staatsarchiv, Handschriften, W752).

of religious association, however, he approaches from the vantage point of society. The ruler should not tolerate sects which, often under the cover of extraordinary piety, express dangerous principles.

Joseph, otherwise an indifferent student, received Beck's instruction with enthusiasm.[18] It satisfied the young man's humanitarian aspirations, it preserved intact the substance of a ruler's authority, and it could be harmonized with Catholic principles such as a Hapsburg was bound to hold. The toleration which Joseph subsequently enacted seems basically consistent with the Beck-Pufendorf version of natural law.

Joseph does not seem deeply indebted to the secularistic literature of the French Enlightenment, except when he seeks the applause of enlightened contemporaries,[19] or attempts to shock his mother.[20] Maria Theresia at times reproached him for imitating the religious indifference of Frederick II. Indeed, except at the end of his life, the Catholic faith was perhaps not a vital, personal concern to Joseph.[21] But he was not

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[18] Bartenstein to Maria Theresia, March 6, 1759, in Menzel, op.cit. p. 522.

[19] F. Engel-Janosi, "Joseph II. Tod im Urteil der Zeitgenossen," Mitteilungen des Österreichischen Instituts für Geschichtsforschung, XLIII (1930), 324-46.

[20] In 1766, Maria Theresia rebuked Joseph for this trait: "It is high time to cease enjoying your bons mots, these clever phrases which . . . alienate all decent people . . . . You are a coquette of the mind." Quoted from G.P. Gooch, Maria Theresia and Other Studies (New York, 1951), p. 33.

[21] Hugo Hantsch, Geschichte Österreichs (Wien, 1953), II, 233, takes the view that Joseph was an eighteenth-century deist, a nominal Catholic because of family tradition; E. Winter, Der Josephinismus, p. 115, considers him a zealous Catholic reformer. Unless otherwise indicated, all references to Winter's Der Josephinismus are to the edition of 1943.

so close in spirit to the Prussian king as his mother feared. Joseph's religious upbringing, together with the pronounced authoritarian bent of his personality, turned him against free thinkers.[22] He disliked Voltaire's impertinence, and it was his own as well as his mother's wish not to visit him on a trip through France in 1777. There are numerous other illustrations of Joseph's aversion to the rationalistic grounds upon which the French Enlightenment conceived its tolerance. He forbade a German translation of Voltaire's complete works. He also forbade the books of Moses Mendelssohn, for he did not want his Jewish subjects to become "naturalists."[23] And, on one occasion, he warned the Protestant Consistory in Austrian Silesia not to waste its energy on a quarrel about a certain hymnal, rather to see to it that its people did not become Socinian.[24]

III

Experience in the government, from 1761 to 1780, reinforced Joseph's humanitarian convictions while it impressed upon him the economic and political value of tolerance. In the State Council, particularly, he came into fruitful contact with the problems raised by non-Catholic minorities. The members of the Council usually showed a relatively tolerant outlook, though they did not call for a fundamental change in the

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[22] A. Wandruska, Leopold II. (Wien, 1963), I, 42-43, attributes to Franz Stephan a major share in determining the religious outlook of his sons: orthodox in doctrine, regular in religious exercise; anti-curial in politico-ecclesiastical issues; enlightened and humanitarian in dealing with the people.

[23] Gustav Frank, Das Toleranz-Patent (Wien, 1881), p. 4.

[24] Ibid., p. 109.

law.[25] They helped to train Joseph to regard the non-Catholics as an asset to the state.

His many trips through the monarchy were serious investigations of social and economic conditions, often in mixed or non-Catholic regions. During a visit to the Banat district in southern Hungary, in 1768, he was struck by the scarcity of its population.[26] Disease and warfare between Turk and Christian had desolated this border land, and it seemed now to cry out for colonists. Joseph suggested that non-Catholics should be encouraged to come, by allowing them to purchase parts of the royal domain. This was done, despite opposition from Baron Egyd von Borié and Count Wenzel Kaunitz, who argued that the uncertain loyalty of non-Catholics rendered them unsuitable for a frontier district of great strategic importance.

Joseph's proposal was related to an older program of settling non-Catholics in desolate parts of the eastern provinces.[27] Charles VI had experimented with transplanting Austrian Protestants who adhered stubbornly to their faith, to districts where religious minorities were already permitted. The earliest transplantations, from 1733 to 1737, were harsh in many ways. Not only were families uprooted from their homes,

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[25] Johann Gotzlirsch, "Der Staatsrat Maria Theresias' und die Frage der Toleranz" (unpublished Ph.D. dissertation, University of Vienna, 1925).

[26] K. Schünemann, "Die Wirtschaftspolitik Josef II. in der Zeit seiner Mitregentschaft," MIÖG, XLVII (1933), p. 27. Cf. also, P. von Radics, "Die Reisen Kaiser Joseph II und ihre Bedeutung für Österreich-Ungarn," Österreichische-Ungarische Revue, N.F., VIII (1889), 259-61. For the State Council's resolution in favor of Protestant immigration, cf. Gotzlirsch, op.cit., p. 43.

[27] Ernst Nowotny, Die Transmigration ober- und innerösterreichischen Protestanten nach Siebenbürgen (Jena, 1931); Grete Mecenseffy, Geschichte des Protestantismus in Österreich (Graz, 1956), pp. 199-206.

and parents separated from their younger children, but the government did not allocate sufficient funds for the project to allow decent living conditions. The next attempt, in 1752-58, was better planned and relatively successful until interrupted by the outbreak of war. The last transplantation took place in 1774, from Styria, where hidden Protestantism on a considerable scale was discovered in the mountainous districts of the diocese of Seckau. Because the Catholic clergy were spread thinly, the traditional regulatory system was ineffective. Entire villages had remained faithful to Protestantism beneath a surface conformity to the Catholic church. In 1771, Bishop Spaur's harsh treatment of suspect persons led to an official investigation of the district that uncovered several hundred convinced Protestants. When an eight-month mission failed to alter their beliefs, the bishop again proposed severe punishment: that the families be broken up, the young men drafted into the army, and the children placed under Catholic guardians. The State Council, firmly rejecting the bishop's proposals, recommended instead that the more obdurate peasants be moved to Transylvania and that the others be left in peace. About 150 persons more or less willingly undertook the journey in 1774.

This episode is significant in several respects. For one thing, it marked the end of the experiment with transplantation as a means of preserving the religious unity of the Austrian and Bohemian lands. Vienna consciously connived at religious dissent in Styria, rather than bear the economic losses involved in the exile or transplantation of the population. Moreover, it was the first step toward abandoning the very objective of religious uniformity in the western provinces. Most Protestants in the mountain districts were allowed to worship privately as they had done for

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two centuries; only those who insisted on professing their faith publicly were in fact moved. Finally, the episode is significant since it was the Co-regent who helped bring about this change in policy. Of particular interest is his intervention against compulsory transplantation. In a note to the Bohemian-Austrian Court Chancellor, Count Heinrich Blumegen, Joseph ordered that this practice be discontinued unless non-Catholics agree to it voluntarily.

The economic advantages of allowing religious diversity in the free port of Trieste also came to Joseph's attention in the 1770's. From the date of its foundation by Charles VI, Trieste had been an exception in the system of official religious uniformity. To attract Levantine trade the Vienna government allowed the Greek Orthodox to build a church in Trieste and to hold public religious services. Protestants were not treated so generously, but they were allowed to come together for worship in a private home. They naturally aspired to equality of treatment, but for many years they were not numerous enough to win further concessions. After 1763, as the growth of the port speeded up, Protestants increased in number. In 1775, when Joseph visited the city, they petitioned him for permission to build a Protestant church.

Trieste's special status as a free port precluded the danger that concessions made there would have to be extended to non-Catholics elsewhere. Hence, in 1778, Joseph granted the substance of the Protestant request over the objections of the local bishop, Count Philip Inzaghy. For Joseph's development it was important that once again he had studied the problems of religious pluralism in a practical, rather than a theoretical, manner. He heard arguments for and against toleration

thoroughly aired in numerous notes and reports.[28] The import of this discussion extended beyond the confines of Trieste. If the non-Catholics there proved to be useful, loyal subjects, and if the Catholic church suffered no harm, then it would follow that the entire monarchy might benefit from religious toleration.

Like a swamp-fire that flares up in one place and then in another, a demand for toleration soon appeared in Moravia.[29] This was a crucial challenge to the traditional policy of uniformity, causing a serious clash between the aged queen and her son. It was one thing to connive at secret Protestantism among Styrian mountain folk; it was yet another to cope with 10,000 peasants near the Prussian border, who openly refused to practice the Catholic religion.

These peasants, like the Styrian Protestants, had for generations conformed only outwardly to the Catholic church. In a remote country

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[28]Copies of the relevant documents are in Wien, Hofkammerarchiv, Litorale, Fz. 26. For the bishop's view that religious freedom would confirm the heretics in their errors, lead many Catholics into indifference or apostasy, and expose the Catholic religion to ridicule, see his memorandum, February 3, 1776. The enlightened governor, Count Karl von Zinzendorf, supporting the Protestant request, respectfully answered the bishop, July 22, 1776, with the assurance that the Protestants requested merely private exercise of religion, which would not scandalize Catholics. It was to the church's advantage to attract non-Catholics to Trieste where they might more conveniently than at home, be convinced of the truth of the Catholic religion. It was also to the state's advantage to induce them to settle in Trieste rather than in rival Venice. A lengthy report by the Court Chancellery, August 24, 1776, persuaded Maria Theresia to reject the petition, September 7, 1776. January 28, 1778, Zinzendorf renewed substantially the same request, which Joseph approved, February 6, 1778.

[29]The relevant documents are found in Alfred von Arneth, Maria Theresia und Joseph II. Ihre Correspondenz sammt Briefen Joseph's an seinen Bruder Leopold (Wien, 1867), Vol. II, and F. Maass, Der Josephinismus, Vol. II. Winter, in the revised edition of his Der Josephinismus, p. 165, represents the Moravian peasants as using religion in order to vent their discontent with the feudal social order.

district served by an ignorant and negligent clergy, they had long escaped detection. For some time, however, they had been under suspicion.[30] In 1777, two missionaries, members of an inquisitorial commission, who were experienced in "sniffing" heresy, brought the peasants out into the open with a ruse.[31] The peasants were led to believe that everyone was now free to choose the religion he wished, Catholic or Lutheran, and practice it freely. Some even concluded that the Empress wanted everyone to become Lutheran and would persecute Catholics.[32] The ruse worked, but the missionaries learned that they had opened Pandora's Box. The peasant's gullibility turned into open defiance of the law. The churches were abandoned or closed to Catholic services, as thousands gathered for prayer meetings in the field. Troops sent in by the local authorities clashed with disorderly mobs, leading to some arrests and fatalities.

The news of this development shocked Maria Theresia. In a letter to Joseph, who was returning from a trip to France, she described the coercive measures she was planning and asked for his opinion.[33] His reply at the end of June 1777, is one of the most extreme statements he ever made on the subject of toleration. Condemning forcible repression of the Protestants, Joseph justifies complete religious liberty as beneficial to the state without harming the Christian religion:

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[30] See Baron Kressl's report to Maria Theresia, July 18, 1777, on the origins of the Moravian crisis, in Wien, H.H.u. Staatsarchiv, Nachlass Kressl, Fz. 1.

[31] Ibid.

[32] Ibid.

[33] Arneth, op.cit., II, 141.

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> The open declarations of irreligion in Moravia strengthen my convictions: freedom of belief and there will be but one religion guiding equally all the people for the good of the state. Without this method, you will not save more souls and you will lose many more useful bodies. To do things by halves is not one of my principles; you must either grant full freedom of worship or expel all who do not share your beliefs. . . . .

He goes on to restrict the ruler to maintaining public morality. Indeed, he asserts:

> The Holy Spirit should enlighten the hearts of men; your laws will only serve to hinder His work. 34

The strained rhetoric of this letter is rich in deistic overtones suggesting that impressions of Joseph's visits with French philosophes still lingered in his mind. The "one religion" which would grow out of religious liberty might mean no more than a common feeling of civic responsibility among Protestants and Catholics of the monarchy. It was, of course, within the pale of Catholic orthodoxy for Joseph to hold that religious liberty would unite rather than divide the people. On the other hand, the text of this letter could easily lead a conservative Catholic to construe the "one religion" to mean a purely secular, civic religion that would substitute for the Christian churches.

Maria Theresia interpreted Joseph's letter as a plea for religious indifference. In her reply of July 5, she fastens upon the general toleration Joseph wants to introduce.[35] She calls it the greatest

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34 Ibid., pp. 141-42.

35 In this reply Maria Theresia seems to have been guided by Cardinal Migazzi. Her criticism follows closely Migazzi's critique of Joseph's letter, prepared it seems at the Empress' request. See Migazzi's critique in Wien, Erzbischöfliches Archiv, Konsistorialarchiv, No. 50, Der Protestantismus.

misfortune that the monarchy could encounter; it would result in chaos and the loss of souls. The root of this evil is his indifference to religion and his preoccupation with commerce and industry. Joseph, in a letter of July 20, 1777, tried to manifest his orthodoxy, but he could not appease her.[36] At the end of July, she picked up the threads of her previous arguments on the necessity of a uniform religion for society, and said she intended to follow a middle way between the extremes of persecution and toleration.

This correspondence reveals where Joseph's conceptions diverge from Maria Theresia's and where they adhere to tradition. The key difference concerns the nature of the state and the ruler's function in respect to religion. The Empress believes that the state is a Christian Commonwealth and feels a strong moral obligation to preserve unchanged its confessional character. Her specific duty in religious matters is to safeguard the true faith and the souls of her subjects. Joseph, on the other hand, conceives of the state as a chiefly secular institution whose ultimate purpose is the temporal welfare of its citizens. Religion is significant in civic life only as it secures obedience to the laws and maintains public morality. Gone is the assumption that all must profess the same creed; it is sufficient if all accept the state's norms of morality. The ruler's chief duty is to treat all subjects fairly and see to the increase of population and wealth.

Joseph was not a secularist. It is likely that he is sincere, in his letter of July 20, 1777, in wishing the conversion of all his Protestant subjects. But he departs from Hapsburg tradition in

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[36] Arneth, op.cit., pp. 150-53.

renouncing the use of official coercion and enticements to help bring this about:

> Tolerance means to me that in purely temporal affairs, I would, without regard to religion, employ anyone in my service who is capable and industrious, and works for the welfare of the state; I would let him have land and exercise his profession, and I would give him citizenship. [37]

Joseph does not, however, renounce the office of Advocate of the Church. His conservative critics wrongly assert that, in abolishing the system of coercion, he showed indifference toward the church's work among men. Joseph's intention was, in fact, to support the church with other, more suitable means. This he demonstrated in the 1780's when he established an improved parochial organization, a purified liturgy, a new system of social service and a relatively effective program of general religious instruction.

The Empress and her son further disagreed concerning his irenic attitude toward heretics. Maria Theresia shared the traditional belief in the insincerity of heretics, guilty of an outrage against God's honor. In practice, Austrian Hapsburgs had seldom proceeded to the extreme measures which this belief seems to authorize.[38] But it ingrained in them an antipathy to non-Catholics and helped to justify the repressive system. Joseph and most enlightened Catholics presumed that religious dissidents err in good faith and that non-

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[37] Ibid., p. 152.

[38] Under Charles VI, the Inquisition of Sicily executed two persons in 1724 and one in 1732. In the last case, the sentence was confirmed by Cardinal Kollonitz, Grand Inquisitor of Sicily as well as Archbishop of Vienna. Cf. Heinrich Benedikt, "Der Josephinismus vor Joseph II.," Festgabe für Hugo Hantsch (Wien, 1965), p. 198.

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Catholic worship does not insult God. This change in attitude lessened the likelihood that the Catholic ruler would punish or forcibly convert his heretic subjects.

This conflict between mother and son abated when Maria Theresia, with Kaunitz' advice, decided to refrain from using force and energetically furthered the enlightened missionary work of Leopold von Hay, Provost of Nikolsburg, and others. The district quieted down and the movement away from the church halted. Thousands of peasants, however, continued to profess publicly the Protestant faith.

When gentle means failed to persuade these peasants to return, she decided to follow a more severe policy worked out by the Court Chancellor, Count Blumegen.[39] He recommended that the military make a show of force to manifest the government's serious intent. The local leaders were to be arrested and put on trial, and unauthorized gatherings forbidden. If that did not succeed, the obdurate persons would be transported to Hungary without their children. When these plans became known to Joseph in October, 1777, they brought on the second, acute phase of this crisis. Joseph, who was in Moravia on military maneuvers, threatened to resign as Co-regent, so the world would know he was not responsible.

Maria Theresia felt herself trapped between what seemed her duty and Joseph's violent opposition. At this point Kaunitz intervened decisively. More astute than Joseph in dealing with the pious Empress, he referred to the New Testament to justify a broad view of freedom of

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[39] Maass, op.cit., pp. 49-52.

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conscience.[40] That a free thinker like Kaunitz should make use of religious arguments seems pure expediency, but this attests to the fact that a Christian conception of toleration might receive her serious consideration. Then Kaunitz moved to the practical level and outlined a limited and tacit political toleration: The Protestants should not be forced to take part in Catholic worship or to receive the Catholic sacraments except for baptism and marriage, or to attend Catholic religious instruction. If they kept the peace, they could worship privately in their homes. Despite objections by Blumegen, the proposal was adopted by Maria Theresia and embodied in a secret instruction sent to the authorities in Moravia in November 1777.[41]

An uneasy peace was restored for a few years. The cleric, Leopold Hay, remained in the district, attempting to carry out a reformation on enlightened principles. The civil authorities, however, did not observe either the letter or the spirit of the Empress' instruction. Harassment by the police eventually provoked the Protestants of three Moravian villages in January, 1780, to demand full religious freedom. The Bohemian-Austrian Court Chancellery reacted true to form, recommending a rigorous application of the law. Kaunitz again opposed force; he brought Maria Theresia to the point of agreeing to a limited but explicit toleration. In this instance, however, he failed to reach a compromise acceptable to Joseph. The Empress refused to yield to Joseph's demand that an edict of toleration apply to all parts of the monarchy and to all heterodox persons.

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[40] Vortrag, October 18, 1777, in Maass, op.cit., p. 53, No. 50.

[41] Note to Bohemian-Austrian Court Chancellery, November 14, 1777, summarized in Arneth, Geschichte Maria Theresias (Wien, 1879), X, 71-73.

The old system remained officially intact. It had, in fact, been reaffirmed in a patent of 1778 for the Bohemian and Austrian provinces, in which non-Catholics were again declared excluded from offices, from the ownership of land, and from crafts and trades. But Kaunitz had persuaded Maria Theresia, despite her deepest convictions, to take a small but significant step toward religious liberty. It is tempting to speculate whether she might have made more substantial concessions, had she lived ten years longer. The question is purely hypothetical for she lived only another eight months, and in November Joseph had ascended to the throne.

CHAPTER II

JOSEPH'S SYSTEM OF RELIGIOUS TOLERATION

When Joseph became the sole ruler of the monarchy, in November, 1780, he was convinced that confessional uniformity was no longer possible or desirable. In Moravia, thousands of peasants professing themselves Protestants challenged Vienna either to expel them or to change the law. In Hungary the powerful Protestant minority presented several lists of grievances to the Emperor in the first months of his reign. In the Austrian Netherlands the time was also ripe for a change. During the Dutch-English War of 1780-84, it seemed likely that many non-Catholic merchants might move from ports threatened by naval warfare to the neutral harbor of Ostend, but they would insist on religious liberty.

Sympathetic to these demands, Joseph translated his conception of toleration into a comprehensive, structural reform. He gradually abolished traditional repressive practices, beginning with the inquisitorial religious commissions. On December 31, 1780, the clerical commissioners were relieved of their duties. For a time, the Bohemian-Austrian Court Chancellor preserved the civil commissioners, for they served as a special police, independent of the local authorities and necessary for the effective operation of the traditional system. Joseph, however, on March 20, 1781, suppressed the civil commissioners altogether and shifted their ordinary duties back to the local police. In the same

resolution, Joseph censured Moravian officials for using force against non-Catholics and demanded from the Chancellery an explanation of "very harsh inquisitions" in Bohemia.[1] Ten days later, Joseph declared that heresy was no longer a civil offense and repeated the prohibition on compulsory transportation of persons accused of heresy. In May, 1781, he ordered a halt to the search for heterodox literature by local magistrates and clergy.

While suppressing the Theresian "inquisition" in the western provinces, the Emperor also extended the rights of non-Catholics in Hungary. The Hungarian Court Chancellery defended the old regulations while the State Council recommended that they be abandoned without arousing public attention. On January 4, 1781, Joseph ordered the Chancellery to connive at certain illegal religious practices. Complaints provoked by the Chancellery's stubborn application of the letter of the law, led Joseph on May 22, 1781, to give further relief to Hungarian Protestants. They no longer had to take Catholic oaths or participate in Catholic ceremonies, devices which had previously excluded them from many crafts and offices. Protestant pastors were not subject to visitation by the Catholic bishops. Protestant parents did not have to send their children to Catholic schools. And children of mixed marriages, raised as Protestants in violation of canon law, could not be taken away from their parents. Joseph reaffirmed the principle that no one should be punished because of his religion, so long as he obeyed the laws.[2]

During a visit to the Austrian Netherlands, the Emperor removed

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[1] G. Frank, op.cit., pp. 11-12.

[2] Cf. C.F. von Hock and H.I. Bidermann, Der Österreichische Staatsrath 1760-1848 (Wien, 1879), pp. 335-37.

the last restrictions on religious liberty. After allowing Protestants to have a church in Brussels, Joseph issued in Ghent, June 16, 1781, a resolution suppressing the Religious Patent of August 27, 1778.[3] A person could now take up a craft or purchase property without a Catholic priest's attestation to the orthodoxy of his faith. This reform was precipitated by the unauthorized return of a Styrian Protestant, named Waldhuber, who had been deported to Hungary. Even the Bohemian-Austrian Court Chancellery acknowledged that the man could no longer be punished, since the Emperor had abolished the crime of heresy. Joseph took this opportunity to order that "no distinction be made between Protestant and Catholic subjects except that the former were not to worship publicly."

This brief document left many matters unclear, giving rise to a conflict over toleration between conservatives and liberals within the government. When local authorities turned to the Court Chancellor for clarification of the Resolution, this inveterate protagonist of religious unity gave the narrowest possible interpretation. To a question from the Lower Austrian government, Count Blumegen replied that the Emperor's concession of social and economic equality was meant only for those who were Protestants de jure at that time, not for Catholics who became Protestants afterward.[4] The Chancellor warned against granting general toleration to Protestants. Their religion flatters the weaknesses of human nature, he asserted, and if tolerated it would draw many persons from the Catholic church in the Bohemian and Austrian provinces. He

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[3]Frank, op.cit., pp. 12-16.

[4]Proposals of the Court Chancellery, August 10, 1781, in ibid., p. 18.

accurately predicted a loss of 60,000 to 70,000 in one year. Protestants, he went on, were addicted to "fanaticism and novelty in double measure." Contemptuous of the rights of God and man, they had rebelled against the Emperor in Germany and Bohemia.

In the State Council, Baron Johann Friedrich von Löhr and Count Karl Friedrich von Hatzfeld agreed with Blumegen's interpretation of the Resolution. Kaunitz and Baron Tobias Philipp von Gebler, on the other hand, thought that it clearly contradicted the Emperor's intention. A convert himself, Gebler argued that toleration would assure the loyalty of Protestants. At this juncture, Joseph laid before the State Council an anonymous treatise, very likely by Gebler, which offered a tolerant alternative to Blumegen's instruction. From the experience of the Austrian army, it demonstrated that Protestants were trustworthy.[5] They served loyally in the ranks and, like Count Dagobert Wurmser, a field marshal, they filled the highest posts. The treatise went on to explain that the Resolution extended the right of private worship and full civil rights to all Protestants.

Joseph incorporated the substance of this treatise into an instruction he sent to the Court Chancellery, September 13, 1781. Rejecting Blumegen's views, the Emperor ordered that all crafts, academic honors, and civil offices were to be opened to non-Catholics. Competence and good character should be the only requirements for a position. However, since he did not officially promulgate this instruction, the existing restrictions upon Protestants remained formally in effect.

Why Joseph kept knowledge of his reform from the public is not

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[5] Ibid., pp. 21-23.

entirely clear. In the instruction, he does not offer a reason, but he very likely agreed with Gebler that an announcement would cause a "sensation." That alone would not deter the Emperor, whose reforms often ignored public opinion. More decisive, perhaps, was the fact that tacit toleration suited well his purpose. It relieved Protestants from oppression and restricted the use of state power to the state's interest. On the other hand, it did not prompt his Catholic subjects to think of changing religion or shake them in their faith. To be sure, tacit toleration could not remain an official secret for long. However, it might enable the people to realize gradually that their Emperor was raising Protestants to something like equality before the law. When a general patent was issued and swept away anachronistic restrictions, the public would be less likely to oppose it or to regard it as an invitation to change religion.

Tacit toleration had several drawbacks, however, as events in Moravia, from 1777 to 1780, had proven. Some Protestants never heard of the Emperor's instructions or were told that these were meant for other provinces. Others felt that the Emperor might easily revoke concessions which he did not wish to promulgate. Meanwhile, the Court Chancellor proposed to interpret the toleration granted in September as merely a grace which could be revoked at the Emperor's pleasure.[6] This concession, moreover, applied only to the Moravian Protestants, since elsewhere in the Austrian and Bohemian provinces, he alleged, there were no Protestants. His ideas were unanimously disapproved by the State Council. Even the

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[6]For Blumegen's proposal, September 26, 1781, see ibid., pp. 25-28.

conservative Hatzfeld judged them contrary to the explicit intentions of the Emperor.[7] This rear guard action by Blumegen, together with the publication of garbled versions of the instruction, led Joseph to spell out his ideas in the Edict of Toleration, promulgated on October 21, 1781.[8]

In the prologue the Emperor justifies his concessions as humanitarian and useful: he declares he has issued the Edict because he is

> convinced of the harmfulness of all coercion of conscience . . . convinced also of the great usefulness of a true Christian tolerance to both religion and the state. 9

The first of the seven articles grants the private exercise of religion (exercitium religionis privatum) to Lutherans, Calvinists, and Greek Orthodox.[10] This traditional category of worship did not permit any public display of religion. The Patent expressly forbids meeting houses having the external appearance of churches, i.e. towers, bells, and public entrances on the street. Wherever non-Catholics are numerous enough, one hundred families or more, they may build a meeting house and a school and have a pastor. Otherwise, they may attend the nearest meeting house within the monarchy.

In the next article, the Emperor prescribes that the non-Catholic

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[7] See ibid., pp. 28-30, for Hatzfeld's opinion and for Joseph's reply to the Court Chancellery, October 13, 1781.

[8] See ibid., pp. 32-40, for two substantially identical versions of the Edict: the final version, prepared in the State Council, October 20, 1781, and the shorter version which appeared in the Wiener Zeitung, October 17, 1781.

[9] Ibid., p. 32.

[10] The Patent's irenic spirit is illustrated by Gebler's correction of the first draft. He inserted the neutral phrase, "separated," in place of the pejorative term, "schismatic," referring to the Greek Orthodox.

communities, at their own cost, may maintain schoolmasters under the jurisdiction of the provincial educational authorities. The right of appointing the pastor belongs either to the local non-Catholic congregation or to the local authorities (Obrigkeiten), whichever assumes responsibility for his support. The government, however, reserves to itself the right of confirmation, which it exercises through Protestant consistories.

Various other problems of ecclesiastical organization are dealt with in the next four articles. The Patent recognizes the legal existence of non-Catholic religious organizations. Disputes in which they become involved are to be settled with the help of Protestant consultants, according to their confession's religious principles. The Patent assigns all stole fees to the Catholic pastor (parocho ordinario) but makes a compromise in the religious upbringing of children of mixed marriages. The canonical promises, by which the non-Catholic party agrees to raise all children in the Catholic religion, are abolished. Instead, if the father is Protestant and the mother Catholic, the boys are to be raised Protestant, the girls Catholic. If the father is Catholic, all the children are to be raised Catholic. The Edict expressly considers this discrimination in favor of Catholics, "a prerogative of the dominant religion."

The last article, concerning civil and political liberties, authorizes a dispensation to non-Catholics who wish to purchase houses and property, to join gilds and town corporations, to receive academic degrees and positions in the civil service. In requiring a "dispensation," this article seems ambiguous. On the one hand, it seems to imply that the Emperor might withdraw these concessions at will. For he leaves

intact the town, provincial, and university laws which deny the aforementioned rights to Protestants. On the other hand, the Edict's prologue and its general tenor suggest that the Emperor recognizes the new liberties as natural rights and intends them to be permanent.[11] The document orders local authorities to grant the dispensations without hindrance, taking into consideration only the competence, integrity, and Christian moral character of candidates. Should a non-Catholic's petition for an office or the like be rejected, an explanation must be sent to the provincial government and thence to the Emperor.

II

In applying the Edict, the Emperor showed the sincerity as well as the scope of his toleration. He attempted to ensure to Lutherans and Calvinists the religious freedom defined in the Edict, while protecting the Catholic church from injury. In realizing the former objective, he had to cope with opposition from provincial officials. Shortly after the concessions became known, Count Heinrich Franz Rottenhan voiced the anxieties of the Bohemian government that if the Edict were applied without restrictions, disorder would result in Bohemia and Moravia.[12] Supported by Hatzfeld in the State Council, he proposed that official positions be

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[11] The Edict's relation to the fundamental law was never officially clarified. Count Blumegen advised Joseph to declare publicly that the Edict merely conferred privileges which could be revoked at the monarch's wish. Joseph refused, without giving a reason. His successor, Leopold II, maintained that the Edict could be altered, for it was not part of the fundamental law; and he suppressed it in Belgium. For other parts of the monarchy he regarded the Edict as permanent.

[12] See Frank, op.cit., pp. 41-43, for Rottenhan's note to the Emperor, October 20, 1781.

reserved to Catholics and that the provincial governments determine when and where Protestant religious exercise be allowed. Soon, indeed, several instances of disorder were reported from the Chrudiner district in Bohemia, where Protestants apparently attempted to coerce their neighbors to leave the church.

Joseph reacted to this intemperance, not by suspending the Edict but by indicating precisely how it should be carried out. In a resolution of December 31, 1781,[13] he outlined the method by which religious preferences should be declared. Protestants were to come individually before special commissions. When the prescribed number of non-Catholics was registered in a district, a Lutheran or a Calvinist parish could be formed. Group or mass declarations were prohibited, for they easily led to the intimidation of Catholics and engendered conflict.

According to the same resolution, violence due to religious disagreement was to be treated as a common police matter. Catholics and Protestants were forbidden to discuss religion in taverns and in other public places and were not to disturb one another's worship. The resolution commanded the clergy to refrain from controversy and instructed the civil authorities not to show prejudice or to interfere in non-Catholic religious affairs.

Bohemian officials disregarded this instruction, attempting to preserve religious uniformity in the province. To delay promulgation of the Edict, they prepared only German copies of it, although most Protestants in their jurisdiction understood only Czech. This bureaucratic sabotage so infuriated Joseph that in January, 1782, he ordered the

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[13] Ibid., pp. 65-68.

governor, Prince von Fürstenberg, to appear in Vienna within twenty-four hours to explain these delays. When the situation had not improved by July, the governor was dismissed from his office. Thereafter the authorities complied with instructions.

Elsewhere, the Edict was applied without serious difficulty.[14] Within a year, over 70,000 Protestants registered in the Bohemian and Austrian provinces.[15] Slowly, parishes were organized and churches constructed. In Vienna, prior to the Patent, Protestants, about 3,000 in number, had worshipped in embassy chapels. In 1783, they bought at auction a suppressed convent on the Dorotheagasse and made two churches of it. By 1788, in these provinces, non-Catholics had established 150 parishes.[16] In some instances the government assisted them with land and buildings.[17]

Existing consistories in Teschen and Hungary temporarily supervised the new parishes. In 1784 and 1786, the Emperor established a permanent administration consisting of two consistories, a Lutheran and a Calvinist, located in Vienna, whose officers were salaried by the state. He, however, appointed a Catholic as president of both.

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[14] Cf. ibid., pp. 56-58, for promulgation of the Edict in Tyrol, where no Protestants registered. J. Hofer, "Zur Geschichte des Toleranz-Patents Kaiser Josephs II. in Tirol," Historisches Jahrbuch, XLVII (1927), 500-25, demonstrates that the Edict was officially promulgated, but the clergy did not make it known to the peasants.

[15] According to Frank, op.cit., pp. 79, 83, there were 73,722 Protestants registered by the end of October, 1782; 107,454 were registered by December, 1785. The population of these provinces was about 8,000,000.

[16] Mitrofanov, op.cit., p. 718.

[17] For the government's assistance to Protestants in Salzkammergut, cf. Frank, op.cit., p. 89.

34

Local congregations were to select their pastors, preferably from within the monarchy. If necessary, they could choose foreign candidates, but not from Saxony or Prussia. In any case, approval of the gubernial government was necessary. Superintendents, responsible to the consistories in Vienna, supervised the doctrine and conduct of pastors and teachers, as well as the administration of church property.[18] The Emperor approved the legal code in use in Protestant communities in Poland as a model for a projected code for Lutherans and Calvinists in the monarchy.[19]

Although integrated into the administrative structure of an authoritarian state, the non-Catholic churches had a large measure of self-government, more than did the established church. The government did not attempt to "reform" their liturgy. Nor did it concern itself with their church architecture and decoration, devotional literature, sermons and catechetical instruction, and clerical discipline. The government, moreover, did not interfere in the education of the Protestant clergy. No faculty of Protestant theology existed in the monarchy, although several high officials in Vienna desired one. The government had to permit candidates for the Protestant clergy to study abroad, chiefly in Dutch or German universities. Catholic seminarians, in contrast, could study only within the monarchy, where the government exercised strict control over professors, programs of study, and textbooks. Protestants further enjoyed considerable autonomy in their secondary and elementary schools. Provincial school boards, however, supervised the curriculum

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[18] Mitrofanov, op.cit., p. 718.

[19] Frank, op.cit., p. 111.

and the methods of teaching. Where separate schools were not feasible, the government adapted the common schools for the children of different confessions.[20] It removed from the school program and the textbooks whatever might offend the tolerated confessions.[21]

If Protestants sometimes could not enjoy these concessions, it was chiefly due to insufficient financial support. Local congregations had to depend for funds upon their own members or upon gifts from North Germany. The government did not contribute to the support of the pastors or teachers. The Edict, moreover, assigned to the Catholic pastor the stole fees for marriages and burial ceremonies performed by the Protestant clergy.[22] This financial disadvantage was consistent with Joseph's policy of treating the tolerated churches as private associations. In this, as in other respects the Lutherans and Calvinists had relatively little reason to complain about the Emperor's application of the Edict.

Although Joseph, in principle, stood for a general, uniform system of religious liberty, he did alter his policies somewhat according to local circumstances. In the Austrian Netherlands, loud protests had met the Patent in 1781. There were no native Protestants, but the Belgians feared that non-Catholic immigrants would be attracted into the province by the opportunity to enter official positions, professions, and crafts. Kaunitz gave assurance to the Belgian Estates that non-Catholics would

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[20] For these mixed schools, see AVA, Unterrichtsarchiv, Fz. 1.

[21] G. Wolf, Das Unterrichtswesen in Österreich unter Kaiser Joseph II. nach einer Darstellung von Joseph von Sonnenfels (Wien, 1880), p. 25.

[22] Frank, op.cit., p. 61.

not be appointed to offices in the province.[23] In 1790, Leopold II confirmed this Catholic monopoly.[24]

In Trieste, the Patent itself added little to the rights already possessed by the Protestant community. It did, however, encourage the Protestants to press for the public worship enjoyed by the Greek Orthodox. The immediate issue was whether the Protestant church might have a church tower and bells, and an entrance on the street. The deeper concern of the Protestants, however, was for greater prestige. Mostly merchants and representatives of banks and shipping firms, they desired that their legal status be equal to the Greeks. Their petition was seconded by the governor, Count Karl von Zinzendorf, and a majority of the State Council. Zinzendorf pointed out that the Protestants owned several of the city's most highly regarded business firms. There was no doubt, he argued, that if the request were granted, more Protestants would come to Trieste from Germany and Venice. Apparently this reasoning convinced Joseph for he approved the petition in January, 1782.[25]

The Emperor also extended his policy of toleration to non-Catholics outside the monarchy. An enthusiastic believer in populationism, he carried on a rather large colonization program. Austrian agents in Germany, especially in the Rhineland, recruited Protestant as well as

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[23] Kaunitz to Starhemberg, February 2, 1782, in Hanns Schlitter, Die Regierung Josephs II. in den Österreichischen Niederlanden (Wien, 1900), pp. 21-22.

[24] Eugène Hubert, Étude sur la condition des protestants en Belgique depuis Charles-Quint jusqu'à Joseph II (Bruxelles, 1882), p. 144.

[25] Hofkammerarchiv, Litorale, Fz. 26. The Protestants prospered in the 1780's and early 1790's because of Austria's neutrality during the American War and the military use of the port during the Turkish War, 1788-90.

Catholic settlers for the eastern provinces. The inducements included religious freedom, along with exemption from military service and taxes. The colonizations were generally successful although not up to the government's expectations. Several hundred refugees from Switzerland moved to Belgium and Constance;[26] and in Transylvania, Protestant Germans founded twenty-four villages.[27] But settlers did not adapt well to the inhospitable surroundings that they encountered in Galicia and in Hungary.

It is difficult to say if the new policy staunched the trickle of illegal Protestant emigration, especially from Bohemia, Moravia, and Slovakia. It at least prevented a mass migration like that of the Protestants from Salzburg in 1733.

The state also practiced toleration as a part of its foreign policy. As early as 1764, in a report on Hapsburg policy in the Empire, Kaunitz had argued for systematically furthering religious toleration in Germany.[28] The fanatical antipathy of Protestants to anything related to Catholicism, he wrote, could thereby be lessened. The cohesion of the Protestant Estates would tend to weaken, since its reason for being was to defend the evangelical faith. Small Protestant principalities would feel less need for the support of Prussia and would

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[26] Wolfgang Müller (ed.), Briefe und Akten des Fürstabtes Martin II. Gerbert von St. Blasien, 1764-93 (Karlsruhe, 1957), I, 3.

[27] Cf. F. von Zieglauer, Die politische Reformbewegung in Siebenbürgen in der Zeit Joseph II. und Leopold II. (Wien, 1881), pp. 1-65, for Joseph's reforms in Transylvania.

[28] Adolf Beer (ed.), "Denkschriften des Fürsten Kaunitz," Archiv für Österreichische Geschichte, XLVIII (1872), 70. Cf. G. Küntzel, Fürst Kaunitz-Rittberg als Staatsmann (Frankfurt a.M., 1923), pp. 34-36, for the view that Kaunitz, though personally inclined to religious toleration, consulted exclusively reasons of state in relating it to his foreign policy.

perhaps begin to fear its predominance. The true interests of the small states, Catholic and Protestant, lay with Austria who was the chief guarantor of the imperial constitution.

During Maria Theresia's lifetime this aspect of foreign policy had not received much consideration. She might mitigate somewhat the rigor of her treatment of non-Catholics for fear of reprisals against Catholics in Protestant countries. But she resented remonstrations from the Protestant Estates against the transplantations and other repressive measures as intolerable attempts to interfere with her sovereign rights. When Joseph came to power, he gave sympathetic attention to Kaunitz' view whenever possible, supporting religious toleration in Catholic Germany. The Emperor intervened in the imperial free city of Cologne, where an enlightened faction in the city council, in November, 1787, secured approval of a Protestant petition for a meeting house.[29] In January, 1788, Vienna precipitately approved the measure and continued to give the hard-pressed reformers strong moral support.[30] In this instance Joseph opposed his brother, Archbishop Maximilian, who ruled the adjacent electorate of Cologne.

Religious toleration, as Kaunitz had foreseen, reduced religious antipathies, and cooperation between Catholic and Protestant states became easier.[31] Ironically, however, it was Prussia, not Austria, who benefited. Whatever advantage Joseph might have gained was lost through

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[29] H. Stevens, Toleranzbestrebung im Rheinland während der Zeit der Aufklärung (Bonn, 1938), p. 58.

[30] Ibid., p. 74.

[31] L. Ranke, Die deutschen Mächte und der Fürstenbund (Leipzig, 1875), pp. 70-73.

the effects of other policies aimed at increasing Hapsburg power in the Empire. In particular his second attempt, in 1784 and 1785, to annex Bavaria, aroused both Protestants and Catholics, who joined together in 1785 in Frederick II's League of Princes to block the Emperor.[32]

III

Joseph's reform met with much formal protest, but no violent opposition, from the hierarchy and from provincial estates. Cardinal Christoph Anton Migazzi of Vienna, in a memorandum to the Emperor, October 17, 1781, declared that the Edict was unnecessary and harmful.[33] Nevertheless he dutifully made it known to his clergy. Like the majority of the hierarchy, he principally feared that allowing the profession of a non-Catholic faith would lead to a mass defection from the church and to widespread religious indifference.[34]

Joseph, in fact, did what he could to avert both of these dangers. After all, the church was an indispensable part of the apparatus of the state, a civil as well as religious institution, whose function was to create an inner, moral control over human behavior which the law could not reach. This reason of state, as well as family tradition and personal conviction, induced the Emperor to safeguard the dominant position of the Catholic church. Thus, his Edict reserved public worship

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[32] Ibid., p. 269.

[33] Cf. Cölestin Wolfsgruber, Christoph Anton Kardinal Migazzi (Saulgau, 1890), pp. 727-29, for the full text.

[34] Padover, op.cit., p. 210, and H. Pirenne, Histoire de Belgique, III, 206, hold that the Edict undermined the church in the Hapsburg monarchy.

to the Catholic church. It assigned to the Catholic pastor the fees paid for religious services performed by Protestant ministers. He remained the civil official entrusted with keeping the record of the vital statistics, and he announced all the banns of marriage, even Protestant. Finally, although the Edict opened careers to talent, it did not result in a noticeable increase in the number of non-Catholics in the higher offices.

To prevent mass defection, Joseph first phrased the Edict, not as a general invitation to his subjects to consider changing their religion but as a concession to those who belonged to the three tolerated religions. Next, when Protestant peasants were reported attempting to register entire communities, Joseph prescribed a method of individual registration. No one was to be admitted to a Protestant meeting house unless he had a registration slip, and this he could obtain only by appearing personally before a commission and declaring himself a member of the Lutheran or Calvinist church. The commission, according to Joseph's instructions, was to persuade those whose motives were frivolous, or whose convictions were weak, to return to the Catholic church.[35] However, no intimidation was permitted and the interrogation had to be brief. Those who persisted in their declaration were duly registered and given the registration slip.

This method of registration relieved some of the anxiety of conservative Catholics that toleration would encourage Catholics to abandon the church. The emperor further concerned himself with the related danger that toleration might encourage religious indifference.

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[35] Ordinance of January 25, 1782, in Frank, op.cit., p. 71.

He could not avoid raising the problem since Catholics in the eighteenth century generally equated tolerance with the attitude that doctrinal differences were unimportant. Hence, the Edict inevitably gave a misleading impression. In making Lutherans and Calvinists equal to Catholics in so many things, it led some people to believe that Joseph regarded the tolerated religions as almost as valid as the Catholic. Furthermore, his strict ban on religious controversy and proselytizing suggested that civil peace was more important to him than the Catholic truth. He reinforced this impression, when, in March, 1782, he ordered that deceased Protestants be buried in the parish cemeteries. He thereby suppressed an ecclesiastical law, excluding heretics from sacred ground, which inculcated belief in the necessity of being a member in good standing of the church. Opening the cemeteries to non-Catholics suggested that a person might enter Heaven without belonging to the One True Church. Catholic resistance forced Joseph to compromise. Wherever possible, Protestants were to establish cemeteries of their own. Elsewhere, they were to be given isolated parts of the parish cemeteries.[36]

These measures tempted the common man, unaccustomed to distinguish between theological and civil toleration, to believe that the Emperor no longer regarded the Catholic church as the one, saving religion. To prevent just this misunderstanding, Count Blumegen had recommended, October 20, 1781, that Joseph state publicly his desire for the conversion of non-Catholics and exhort the clergy to increase their zeal.[37]

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[36] Frank, op.cit., pp. 101-4.

[37] Ibid., p. 44.

At that time, the State Council advised against the idea, believing that it would stimulate religious controversy. Since the Emperor's views continued to be misrepresented in Bohemia, he finally declared in a public statement, April 16, 1782, that he was aiming at civil toleration in the strict sense, not religious indifference.[38] He denied that he was pleased by anyone falling away from the Catholic religion, or that those who fell away would be rewarded. He intended, he said, to uphold the One and Holy Catholic religion, which he wished all his subjects would freely embrace. With this phrase, "One and Holy," he underlined his Catholic orthodoxy.

Joseph expressed this solicitude for the state church by restricting the growth of Protestantism in the monarchy. Non-Catholics were strictly forbidden to proselytize for converts, whereas Catholics, if they worked in an enlightened way, were honored for bringing persons back to the church.[39] The procedure for joining the church was relatively easy. A former Catholic could return merely by making a declaration before the pastor and two witnesses. A Protestant who wished to join the church underwent, in addition, a brief course of instruction in the Catholic faith.

No terminal date of registration had been set at the time of the Edict lest it seem that the Emperor was offering all his subjects an opportunity to change religion. Early in 1782, Count Blumegen's proposal for ending registration was rejected. However, in the spring, 1782, Pius VI, during an otherwise fruitless visit to Vienna, reached

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[38] Ibid., pp. 77-78.

[39] Ibid., p. 75.

43

an understanding with Joseph about restricting defection from the church.[40] Finally, in December, Joseph Auersperg, the enlightened bishop of Gurk, with support from Kaunitz and Martini, persuaded the Emperor to set a terminal date (terminus praeclusivum).[41] In any case, Joseph felt that a year was sufficient opportunity for non-Catholics to make their decisions. Out of respect for freedom of conscience, he did not entirely close registration, but he attempted to discourage the weak-willed and frivolous.[42] As of January, 1783, Catholics wishing to change to a tolerated religion were required to undergo a six-week period of instruction in the old faith. A Protestant, in contrast, who wished to join the Catholic church did not have to undergo a similar trial in the faith he was about to leave. An exception to the Emperor's respect for freedom of conscience was his refusal to allow monks or priests to declare themselves non-Catholics. Those who attempted to do so were put into prison.[43]

Persons who did not register in one of the three tolerated churches remained legally Catholics. This caused difficulties especially in

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[40] H. Schlitter, Die Reise des Papstes Pius VI. nach Wien ("Fontes Rerum Austriacharum," Vol. XLVII [Wien, 1892]), Part I, 177, for the papal note, April 10, 1782, which calls Joseph's civil toleration "an unheard-of novelty in a Catholic state" and specifically condemns permitting Catholics to change religion; and p. 181, for Joseph's reply, April 13, 1782, justifying the Edict but adding that it is not intended to give Catholics an opportunity for apostasy.

[41] Frank, op.cit., p. 79.

[42] See ibid. pp. 80-83, for a decree of February 21, 1783, which regulated in detail the six-week instructions. Also, cf. G. Lösche, Von der Duldung zur Gleichberechtigung (Wien, 1911), pp. 172-80, for changes of religion after the terminal date and p. 217 for statistics of the early nineteenth century.

[43] Lösche, op.cit., p. 210. Also S. Brunner, Die theologische Dienerschaft, pp. 440-41.

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Bohemia where Hussite communities still existed and indeed were more numerous than Lutherans and Calvinists.[44] But the Hussites were permitted to form parishes of their own if they registered as Lutherans. Mennonites, who settled in Galicia in 1784, were treated in like manner.[45] The government felt that it could grant toleration by this legal fiction because these sects were trinitarian Christians and submitted to the authority of a Protestant consistory.

Other sects, however, were handled with rather surprising harshness. The Czech peasantry, isolated from the German-speaking aristocracy and middle classes, poorly educated, and neglected by the clergy, spawned curious religious movements. Several of these came to light when the Edict was promulgated. The most important sect was found in several villages near Pardubitz, Bohemia. Bishop Hay of Königgrätz called them Deists because they professed a simple faith in one God and in the immortality of the soul. They denied the Trinity, the divinity of Christ, and the divine inspiration of the Bible. Since they regarded religion as a purely spiritual activity without need of clergy, they refused to submit to the authority of any visible church. Their moral code consisted of the Ten Commandments. Though superstitious, they were a docile and peace-loving people.[46]

Refusing to attend prescribed Catholic services, the Deists worshipped in their own homes. This led to an investigation by Bishop Hay,

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[44] Cf. Hock and Bidermann, op.cit., p. 368, for Baron Kressl's opinion.

[45] Ibid., p. 368.

[46] Detailed reports by enlightened Protestant eye-witnesses concerning the Deists and another sect, the Abrahamites, are found in A.L. Schlözer, Staats-Anzeigen, V:17 (1783), 7-11, and Fried. Nicolai, Allgemeine Deutsche Bibliothek, LIV (1783), 629-33.

45

whose report exonerated them of the suspicion of immorality often raised against sectarians.[47] Their fate was much discussed in Vienna, March to August, 1783. According to Cardinal Garampi, papal nuncio in Vienna, the Emperor was so engrossed with the matter that he talked about it with everyone for two days, even arguing with representatives of the sect.[48] He attempted to resort to the legal fiction used with the Hussites. The Deists, however, absolutely refused to register as Lutherans. Finally, the Emperor lost his patience and on March 8, 1783, he ordered the young men conscripted into the army, the other adults transported to Hungary and Transylvania, and the children placed with Catholic guardians.[49] This was in striking contrast to his attitude of 1777 when he threatened to abdicate rather than be associated with his mother's oppressive policy. His advisors alluded in vain to the irony of adopting the very same measures he had then condemned.

Deists continued to grow in number during the spring of 1783, until, with several hundred persons involved, their transportation became an expensive undertaking. Furthermore, those who were sent to Transylvania could not easily assimilate with the Magyar-speaking Unitarians. These practical problems, as well as wide-spread criticism, led Joseph to order, July 8, 1783, that the Deists should be left in peace as long as they did not voice their beliefs in public. If anyone stubbornly professed Deism, he should be beaten, "not because he was a Deist, but because he

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[47] Schlözer, op.cit., p. 8.

[48] Schlitter, op.cit., Part II, 172.

[49] For the text of the decree of the Hofkriegsrat, March 11, 1783, see Allg. Deut. Bibliothek, LIV (1783), 625-29.

called himself one, without knowing what it really meant."[50] Joseph treated Deism, not as apostasy and heresy, which the law no longer recognized as crimes, but as disobedience to the civil law that regulated membership in the four churches.

Why did Joseph fall into such glaring inconsistency with his principles? To begin with, his education inspired in him an antipathy toward sectarians, based on the belief that their fanaticism is often harmful to the state.[51] Joseph explained that he ordered the transplantation to prevent the spread of this "heresy which disintegrates society" (so gemähligen Irrlehre), among a highly susceptible peasantry.[52] The Deists, if allowed to remain in Bohemia, would encourage other peasants to imitate their non-conformity. It seems that he did not believe that freedom of conscience was at issue. The Deists, he thought, were "enthusiasts" moved by caprice and not by sound reasons.

In 1785 and 1786, Joseph again punished sectarians. For calling themselves Deists, several Moravian peasants received twenty-four blows each. The Emperor threatened that if they stubbornly persisted in their error and refused to take part in the worship of a tolerated confession, he would deport them to Hungary.[53] The Moravian sectarians of 1786 denied a personal God and hence, implicitly, a final judgment. By the reasoning of the age, they were holding subversive, as well as immoral principles. On this occasion, in 1786, Joseph contrasted the Bohemian

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[50] Mitrofanov, op.cit., p. 726.

[51] Cf. C.A. Beck, "Kern des Natur- und Völkerrechtes," Book II, chapter 19, paragraph 6.

[52] Allg. Deut. Bibliothek, LIV (1783), 625.

[53] Brunner, Die theologische Dienerschaft, p. 440.

Deists of 1783, who had a God without religion, i.e. without ecclesiastical organization or cult, with the Moravian Deists, who had a religion without God.[54] With this comparison Joseph summed up the kinds of religious practice outside the scope of his tolerance.

IV

Joseph's treatment of the Jews was determined primarily by his view of their social utility. Febronianism, of course, could not motivate him in dealing with a non-Christian religious minority. Hitherto Jews had lived segregated from Christian society and excluded from most occupations.[55] They were present not by legal right but by the monarch's good pleasure. His mother's attitude toward the Jews had been harsh, principally on moral and religious grounds. She maintained the traditional restrictions, although she granted favors to those who set up factories. Joseph also disliked the Jews, but he wanted to make them citizens and more useful to the state.[56] He, therefore, took the first significant steps toward erasing the distinctions between them and his Christian subjects.[57]

He expressed this utilitarian spirit in a comprehensive resolution of May 13, 1781, a policy paper, which was sent to several chancelleries for study and discussion. It aims, as the prologue states, at making the

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[54] Ibid.

[55] The manner of segregation was not uniform. In Vienna, Jews were confined, not to a ghetto but to particular buildings. Cf. G. Wolf, Geschichte der Juden in Wien, 1156-1876 (Wien, 1876), p. 72.

[56] Court Resolution, June 15, 1786, in Mitrofanov, op.cit., p. 721.

[57] According to Wolf, op.cit., p. 77, Joseph was, in fact, more generous to the Jews than was Frederick II, who restricted them to commerce.

Jewish nation useful to the state. To this end, it restricts the Jewish national language to religious services and requires all legal communication to be in the official provincial languages. It allows the Jews the same educational opportunities as other citizens, either in schools of their own or in the public (Christian) schools. And it opens new areas of employment to them: farming, several crafts, commerce, and manufacturing. Finally, it suppresses all distinctions in garb, and other humiliating laws (geistniederschlagende Zwangesgesetze).

Joseph embodied these ideas in several provincial patents of toleration, which governed the Jews until the 1860's. The new legal status of the Jews differed from that of non-Catholic Christians in that it did not obtain throughout the entire monarchy. It did not extend to Tyrol, Styria, Slovenia, and Carinthia, which traditionally excluded Jews. The patents of 1781 and 1782 confirmed certain other local rights: such as, where the number of Jewish residents had been restricted, it was not allowed to increase. The patent issued for Lower Austria permitted Jews to reside permanently in Vienna only if they performed a useful service, possessed at least 10,000 gulden, and paid a special Toleranz-Tax.[58] Trieste was also barred to poor Jews, but its wealthy and assimilated Jewish population enjoyed the public exercise of religion and the other rights accorded to the Greek Orthodox. Galicia, with over 100,000 Jews, presented so many special difficulties that its legislation, almost the same as Lower Austria's, was not promulgated until 1788 and 1789.[59]

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[58] Patent, June 2, 1782, in Wolf, op.cit., pp. 83-89.

[59] Patent, May 19, 1788, in ibid., pp. 270-71. Cf. Franz Kratter, Briefe über den itzigen Zustand von Galizien (Leipzig, 1786), for a contemporary description, sympathetic to Jewish emancipation.

While these patents were more pronouncedly utilitarian in tone than the general patent for Protestants, they also express humane sentiment. Besides suppressing "humiliating" distinctions, the government instructed local and provincial officials to teach the people to treat the Jews like other fellow men and to punish anyone who molested them.[60] When it was decided to conscript Jews for military service, Joseph ordered that their religious beliefs be respected:

> As a man and as a citizen of the state, the Jew should be employed at the same tasks as everyone else. However, he may not thereby be disturbed in his religion. [61]

Strict regulations protected the Jews from involuntary baptism.

In contrast to this humanitarian concern, the government showed antipathy to many important institutions of Jewish community life. Joseph suppressed the rabbinical courts and transferred their business to the local courts. The official languages, German in most provinces, Latin in Hungary, replaced Yiddish in contracts, wills, court proceedings, and in education. So stringent was this regulation that Jews were not permitted to study the Talmud, nor to marry, until they reached a prescribed degree of proficiency in German. A court decree, December 31, 1781, suppressed the special commissions for Jewish affairs and transferred their duties to the provincial governments.[62] Other regulations concerning dress, beards, and names attempted to make the Jew indistinguishable from other persons.

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[60] Mitrofanov, op.cit., p. 722. The bureaucracy was poorly disposed for this task. For an example of its anti-Semitic attitude, cf. Count Rottenhan, in Hock and Bidermann, op.cit., p. 375. For the higher clergy, in 1790, cf. Wolf, op.cit., pp. 95-97.

[61] Mitrofanov, op.cit., p. 722.

[62] Ibid., p. 721.

Through education, the Josephinists tried to free the Jews from "superstition" and to prepare them for useful service to the state.[63] The government not only encouraged Jewish children to attend the public (Christian) schools, but it also placed such schools as the Jews themselves built under the strict supervision of public school authorities. The official languages were required for textbooks and classroom exercises. Girls also had to attend school, sometimes together with boys.

The majority of Jews disliked Joseph's educational policy, for they considered it a serious threat to their traditional way of life. Some communities, especially in Galicia, offered vigorous resistance. Nevertheless, the movement toward assimilation, especially in the western provinces, went on inexorably. Before the end of Joseph's reign, a Jewish normal school was in operation in Prague, with the blessing of the enlightened circles.[64] In Trieste, Herz Homberg, a disciple of Moses Mendelssohn, organized schools in the new spirit. The Jews of Trieste, more attuned to the mentality of their Christian neighbors than those of Galicia, accepted the reforms in language and dress, education, and occupation. But they too opposed certain measures, such as the education of women.

Jews, on the other hand, welcomed Joseph's attempt to increase their vocational opportunities. Under Maria Theresia, the government had encouraged wealthy Jews to set up factories and to engage in wholesale trade as well as money-lending. The Arnstein family had

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[63] AVA, Unterrichtsarchiv, Fz. 85.

[64] Wiener Realzeitung (November 1, 1785), pp. 689-98.

become wealthy and prominent as suppliers to the Court. But there was little opportunity for the ordinary Jew, except in peddling and other menial trades. Joseph opened several crafts and professions to them, such as cobbler, carpenter, and architect. He also encouraged them to colonize undeveloped parts of the monarchy, in the hope that farming would "regenerate" them.

Prejudice had too strong a hold on the Christians to allow much more. The gilds, particularly, resented competition from newcomers and much more from Jews. Joseph did not permit Jews to attain the master's rank (Meister) or membership in town corporations (Bürgerrechte). Nor did he allow them to possess immovable property, a restriction which remained in effect until 1860. A meddlesome paternalism led the government to forbid Jews from renting mills, market places, and the franchise for the salt tax or the tithe, "until they had grown diligent in other occupations."[65] The army was opened to them late in Joseph's reign, although this meant only that they could be recruited or conscripted. It was many years before a Jew could rise high in the ranks or obtain a commission. This was due not only to Jewish indifference to the military career, but also to the refined anti-Semitism of the Austrian political elite. Particularly the nobility, whose prerogative it was to fill the high posts in the army, were inclined to regard the Jews as devoid of honor and courage and hence unsuited to command men.

Although the Austrian government largely shared these preconceptions, it was more confident than tradition-bound noblemen that education and legislation could "regenerate" the Jews. This melioristic attitude,

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[65] Patent for Galicia, May 7, 1789, in Mitrofanov, op.cit., p. 724.

however, lacked a basis in enlightened religious sentiment. Many Catholics, including Joseph, applied the principles of Muratorian piety to the Protestants, to whom they felt spiritually akin, but not to the Jews.

CHAPTER III

TOLERANCE IN EDUCATION AND CENSORSHIP

If the non-Catholics, Jews or Christians, were to enjoy their new rights, the intolerant mentality of the people had to undergo a fundamental change. For this purpose, the government used the schools and the censorship to train the people and especially their spiritual leaders, the government officials, school teachers, and clergy, to regard the dissenters as fellow citizens. Josephinist educational policies, however, departed somewhat from Joseph's own aim, in that the tolerance they taught weakened the Catholic church, particularly in higher education. Joseph was himself partially responsible, for in education he largely overlooked whatever was not directly useful to the state.[1] He wanted the schools to produce doctors, obedient civil and clerical officials, and peasants and artisans who could read and write. Until late in his reign, he neglected specifically Christian religious education in which the church claimed a predominant role. Some of his ministers, taking advantage of this inattention, propagated in the schools the view that natural moral rectitude, rather than serving God in the "one, true church," is the essence of religion.

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[1] Cf. G. Wolf, Das Unterrichtswesen in Österreich unter Kaiser Joseph II. nach einer Darstellung von Joseph von Sonnenfels, p. 40, for Joseph's utilitarianism in a Court Resolution, November 30, 1782: "Young people (at the university) are not to be taught anything which, later on, they can use rarely, if at all, for the good of the state."

For this encouragement to religious indifference, Baron Gottfried van Swieten, the president of the Court Commission on Education (Studienhofcommission), bears the principal responsibility.[2] As virtual head of the centralized school system, he controlled appointments to its key positions and supervised teachers; and he helped determine school programs, textbooks and teaching methods, and school organization. His power was, in part, based on his friendship with the Emperor. As a child, van Swieten had come into contact with Joseph while his father, Gerhard, was Maria Theresia's personal physician. But he enjoyed Joseph's favor mainly because he shared, and vigorously applied, the Emperor's belief in a rigorously centralized school system, devoted to narrowly utilitarian purposes of the state.[3]

Although raised in a Jansenist home, van Swieten became a partisan of a rationalistic enlightenment from which he derived his principles of education. In contrast to Martini, his chief enlightened adversary, who admired the relatively liberal regime of the University of Göttingen, van Swieten, an admirer of Frederick II, preferred the Prussian universities, docile servants of the state.[4] Van Swieten feared that rational inquiry, if entirely free from control by the state's censorship, might lead to philosophical scepticism. He argued that the professors in the

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[2] G. Strakosch-Grassmann, Geschichte des österreichischen Unterrichtswesens (Wien, 1905), pp. 89-90.

[3] Cf. K. Radlecker, "Gottfried van Swieten" (unpublished Ph.D. dissertation, University of Vienna, 1950), pp. 54-60.

[4] Van Swieten's familiarity with Prussia dates chiefly from his service as Hapsburg ambassador to the Prussian court, 1770-76. He reproached the University of Göttingen for being "a teaching academy of sciences." Quoted from A. Novotny, Staatskanzler Kaunitz als geistige Persönlichkeit (Wien, 1947), p. 215.

universities should not be curbed so long as they did not express opinions contrary to natural religion or the welfare of the state.[5]

Van Swieten, in fact, was less anxious about the dangers of scepticism than about those of orthodoxy. He regarded Christian beliefs as the fruit of credulity, impeding progress in the sciences, creating sectarian controversies, and undermining the ruler's authority in the state. As head of the schools, he aimed at stripping education of its Christian character. The students were to be taught a system of values based on "philosophy."[6] However, his enterprises in favor of natural religion were restricted to what he thought the Emperor and the circumstances would permit. Van Swieten had difficulty finding zealous followers among the school teachers and clergy, for rationalism was relatively weak in the monarchy. Moreover, the Emperor was a Christian as well as an absolutist who disliked signs of independence among his ministers.

Before Gottfried van Swieten assumed his office, November 29, 1781, higher education was already out of the hands of the church. In the 1750's, his father had deprived the university faculties of their corporate autonomy and had placed at the head of each, a director responsible to the state. The Society of Jesus lost its exclusive right to staff the faculties of philosophy and theology and eventually was excluded from them altogether. The Jesuits were replaced by partisans of the Enlightenment, notably, Joseph Riegger, Karl von Martini, and Joseph Sonnenfels. These reforms were conceived and executed in accordance with the principle

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[5]Strakosch-Grassmann, op.cit., p. 90.

[6]See his instruction, October 20, 1781, in Hofkammerarchiv, Litorale, Fz. 26.

that "the school is and remains a political matter."[7]

Under Maria Theresia the university, although politicized, was still largely a Catholic institution. She rejected Count Johann Anton Pergen's audacious scheme of 1770, to bring North German scholars to Vienna, as well as the often repeated proposal for a faculty of Protestant theology.[8] She replaced the Jesuits with members of other religious orders. And she refused to permit non-Catholics to attain the doctorate or to teach.[9]

During Joseph's reign, the university community lost its Catholic character. Consistent with the Edict, the Emperor suppressed the traditional oath, dating from the reign of Ferdinand II, which had excluded non-Catholics from promotion to the doctor's degree.[10] However, non-Catholic students did not become numerous at the higher level, chiefly because candidates for the Protestant ministry still had to study outside the country. The Emperor also ordered that teaching appointments be made on the basis of competence and moral character, rather than religion.[11]

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[7]For this declaration by Maria Theresia, October 2, 1770, see J. Helfert, Die Gründung der österreichischen Volksschule durch Maria Theresia (Prag, 1860), I, 117.

[8]For Pergen's proposal in the State Council, August, 1770, cf. Strakosch-Grassmann, op.cit., pp. 88-89.

[9]In September, 1778, Maria Theresia approved a proposal allowing Protestants to attain the doctorate in Law, Philosophy, and Medicine. Vigorous protests from Migazzi, Blumegen, and the University of Vienna moved her to revoke this concession; cf. R. Kink, Geschichte der kaiserlichen Universität zu Wien nach den Quellen bearbeitet (Wien, 1854), I, Part 2, 281-86, and II, 586-87.

[10]H. Zschokke, Theologische Studien und Anstalten der katholischen Kirche in Osterreich (Wien, 1894), p. 150. The first Protestant to receive the doctorate was A.L. Schlözer, the Göttingen publicist and historian, at Innsbruck, 1783, cf. Frank, op.cit., p. 61.

[11]Joseph II to Blumegen, November 29, 1781, AVA, Unterrichtsarchiv, Fz. 1.

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Wilhelm Bauer, a Protestant, became director of the normal school in Vienna. To make higher education more efficient as well as less sectarian, Joseph suppressed Catholic ceremonies which had marked the opening and close of the academic year, Catholic feast days, and the Marian Confraternity which had directed much of the students' religious life.[12]

The university, no longer specifically Catholic, became, not a neutral institution, but a base for strong attacks on characteristically Tridentine aspects of the church. Under the protection of the Court Commission on Education, radical professors, such as Heinrich Watteroth and Matthias Dannenmayer, polemicized against scholastic theology, belief in miracles, the monastic system, papal supremacy, and religious intolerance.[13] Typical of van Swieten's patronage of this rationalistic critique of the Catholic church is his defense of the textbooks he chose for the courses in ecclesiastical history. In 1786, he defended the book by the enlightened Protestant historian, Matthias Schröckh, as the best in the field.[14] He brushes aside Migazzi's objection to its heterodox opinions and its attacks on the Catholic church. These, he asserts, simply represent the common Protestant view: its errors will not hurt Catholic students; its truths will enlighten them.[15] Van Swieten strongly implies that the book's interpretation of church history is substantially correct. He

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[12] Zschokke, op.cit., p. 150.

[13] For van Swieten's report, November 8, 1787, exonerating these two professors, cf. AVA, Unterrichtsarchiv, Fz. 8. In this case, Joseph reprimanded Watteroth and Dannenmayer and insisted on absolute orthodoxy in the classroom. His resolution, December 29, 1787, is in Kink, op.cit., II, No. 207.

[14] Matthias Schröckh, Historia religionis et ecclesiae christianae adumbrata in usus lectionum (Berlin, 1777; Wien, 1786).

[15] Vortrag, November 3, 1786, in AVA, Unterrichtsarchiv, Fz. 8.

thus allows the students to share Schröckh's view that the Catholic church is merely one, and not the purest, among the several Christian churches.[16] Implicit in these books, as in the lectures, is a rationale of religious toleration, quite different from that which inspired the Edict.

Part of Austrian higher education, the training of the clergy, did not come under van Swieten's influence but under that of the enlightened Catholic, Abbot of Braunau, Franz Stephan Rautenstrauch. As the director of the Theological Faculty at the University of Vienna and a member of the Court Commission on Education, Rautenstrauch was in an excellent position to impress his views upon a generation of seminarians. His religious outlook was akin to the Emperor's: averse to curialism and to many Tridentine modes of religious thought and expression, yet essentially orthodox in belief.

In the last years of Maria Theresia's reign, Rautenstrauch applied this point of view to a major revision of theological studies throughout the monarchy.[17] Canon law had already been dropped, in 1767, from the curriculum. Rautenstrauch's reform reduced the amount of scholastic philosophy and dogmatic theology required of students, and it relieved

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[16] Essentially the same interpretation is presented by Matthias Dannenmayer, Institutiones historiae ecclesiasticae Novi Testamenti (Wien, 1788), which was adopted, in 1788, in place of Schröckh's book. For Dannenmayer's rationalism, cf. E. Säger, Die Vertretung der Kirchengeschichte in Freiburg (Freiburg i.B., 1952), pp. 283-84.

[17] For Rautenstrauch's moderately Febronian and Jansenistic views, cf. Winter, op.cit., pp. 177-91. For his reform, 1774 to 1778, see AVA, Unterrichtsarchiv, Fz. 15.

the course in moral theology of its casuistry. The time thus saved was given to the study of Sacred Scripture and to a new science, pastoral theology. The general effect of these changes was to shift the focus of theological study from traditional doctrinal propositions stressed by the Tridentine church in response to the Protestant challenge, to new practical sciences, such as pastoral theology, which were free from religious controversy, and to Scripture, about which Protestants and Catholics substantially agreed.[18] In defending more earnestly the authenticity and divine character of Revelation, the reforms reflect an awareness of a common enemy, rationalism, dangerous to all believing Christians.

When Joseph ascended the throne, he continued the reform by making clerical training a direct responsibility of the state. Until his reign, candidates for the priesthood lived in seminaries under the bishop's supervision and attended classes at the universities. If they belonged to a religious order, they studied in their own monasteries. Some of the more promising young men were educated in Rome in the Collegium Germanicum-Ungaricum. To bring these students under his effective control, Joseph conceived the idea of the general seminary. A product alike of his desire for uniformity, for centralized authority, and for an enlightened Catholic reform, the general seminary was a

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[18] Rautenstrauch's orthodoxy is apparent in his plan for polemical theology. It shows no trace of the tendency, evident in Dannenmayer's ecclesiastical history, to treat contemporary doctrinal differences as unimportant, cf. Zschokke, op.cit., pp. 43-44. On the other hand, his constructive, irenic method of theological disputation drew praise in Vienna from the enlightened Realzeitung (April 23, 1782), pp. 259-61.

state institution, entirely independent of the bishop, in which all candidates for the priesthood, religious as well as secular, were to be trained. Nine of them were established and placed under clerics who shared the Emperor's point of view.

From these seminaries, Joseph believed, would come a new clergy, able to deal more sympathetically with the Protestant minorities than in the past. The training of the students was marked by its insistence on a spirit of tolerance. The directions composed by Rautenstrauch required that "at every opportunity the students are also to be instructed in Christian tolerance and to be made accustomed to it."[19] He warned the students against religious indifference, for it was contrary to truth and to Christian love. But, he went on,

> The truly tolerant person, while true to his creed, does not regard men who profess a different one as enemies of God, truth, and virtue; he does not hate, persecute, or condemn them. Rather he loves them as his brothers, as creatures of one and the same God. 20

Students preached on this theme as part of their training in homiletics.[21] And their teachers, such as Pietro Tamburini at the general seminary in Pavia, attempted in their lectures to give a religious justification of the new policy toward non-Catholics. They also encouraged in their students an open-minded attitude toward Protestant thought. In his textbook of pastoral theology, adopted officially in 1784, Franz Giftschutz, professor at the University of Vienna, urged the seminarians to recognize the sound achievements by Protestants.[22]

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[19] Wiener Kirchenzeitung (1784), p. 211. [20] Ibid.

[21] Some typical sermons, in pamphlet form, are in Wien, Schottenstift Bibliothek, Austriaca, e.g. No. 10.

[22] Posch, Die kirchliche Aufklärung in Graz, pp. 58, 102, 169.

This theological program remained in use until the middle of the nineteenth century, but the new seminaries did not survive Joseph's death. They were expensive, and in the judgment of most Josephinists, superfluous.[23] The state could control a cleric's education well enough if he studied at one of the monarchy's universities. Moreover, the general seminary alienated the bishops who resented the fact that they were almost entirely excluded from the supervision of their future clergy. Leopold II suppressed the general seminaries, in 1790, and allowed episcopal seminaries to be reestablished. Clerical training remained in other respects the same; in particular, it continued to teach a conception of toleration drawn from evangelical and patristic sources.

At the lower levels, under van Swieten's influence, the teachers tried to instill tolerance in the common people. The school system of the monarchy remained essentially on a confessional basis. Where Jews attended the Christian schools, the government attempted to break down anti-Semitic attitudes in the student body.

> It shall be a concern of the provincial and local authorities to dispose the Christian youth through their school teachers to tolerance, forbearance and brotherly love toward their fellowmen belonging to an alien religion. [24]

The government eliminated from the school books passages offensive to the tolerated religious minorities. And, it permitted non-Catholic schools where the communities were large enough to support them.

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[23] Cf. Zschokke, op.cit., p. 398, for Kaunitz and Martini. Abbot Franz Rautenstrauch opposed the Emperor's project, in principle, but helped carry it out, cf. Winter, op.cit., p. 177.

[24] Instruction from the Studienhofcommission to the Görzerische Landeshauptmannschaft, October 20, 1781, AVA, Unterrichtsarchiv, Fz. 85.

However, in districts of mixed population, where one confession or another could not establish its own school, the existing school became non-confessional. In such a case, van Swieten ruled, the customary prayers were to be entirely suppressed and religious instruction was to be given outside regular school hours.[25] Had these measures remained in effect, it would have been easier to train the students in a kind of natural religion. Joseph, however, did not intend to give up the confessional principle altogether, even in the mixed school. In response to a vigorous protest from Cardinal Migazzi, he restored the morning and evening prayers and excused the dissenting children from them.[26]

Because the schools were organized along religious lines, they might perpetuate the ancient hostility between Protestant and Catholic. The government, therefore concerned itself, particularly, with how religion was taught. A fruit of this concern was the new catechism for school use, by the Silesian prelate, Abbot Johann Ignaz von Felbiger, published during Maria Theresia's reign to replace the sixteenth-century catechism by Peter Canisius.[27] A revised version of 1777, the Normal Catechism, was mass-produced and introduced into the schools the next year. On May 9, 1781, it was prescribed for the entire monarchy, remaining in official use until 1894. Although the catechism reflects the moralism of the age, its doctrine is orthodox. It differs from earlier books of religious instruction chiefly in its lack of anti-Protestant polemic. Like

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[25] Decree, August 6, 1783, AVA, Unterrichtsarchiv, Fz. 85.

[26] Decree, November 3, 1783, ibid.

[27] For the history of the catechism in Austria, cf. J. Hofinger, Geschichte des Katechismus in Österreich (Innsbruck, 1937), and M. Ramsauer, "Die Kirche in den Katechismen," Zeitschrift für Katholische Theologie, LXXIII (1951), 313-35.

Rautenstrauch's theological curriculum, the Felbiger catechism shifted the student's attention from sixteenth-century questions concerning papal authority, indulgences, and Purgatory to moral improvement and to new problems, such as unbelief. A worthy product of enlightened Catholicism, it was calculated to lessen the common man's antipathy to non-Catholics.[28]

In the classroom, however, many teachers did not give the children this enlightened Catholic interpretation of Christianity. During Joseph's reign and for a generation thereafter, they neglected the orthodox substance of the catechism. Preparing their lessons with Protestant commentaries, they taught the children a moralistic, natural religion in which the differences between Protestant and Catholic religion virtually disappeared. The training schools for teachers, where theological students also had to take a course in religious pedagogy, turned to the North German Enlightenment for teaching methods and absorbed some of its rationalistic spirit. Wilhelm Bauer introduced North German textbooks into the central normal school (Hauptnormalschule) in Vienna.[29]

The effect of all this can be seen in the gravamina submitted to Leopold II in 1790, in which several bishops deplored contemporary religious instruction. According to Bishop Karens, the catechetical institutions, at the direction of the Court Commission on Education,

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[28]The government felt that its chief problem was intolerance among Catholics. However, some Josephinists believed that the Protestant minority also needed enlightenment. Cf. below, p. 86, for Rautenstrauch's proposal to delete anti-Catholic passages from the Lutheran small catechism.

[29]See Migazzi's remonstrance, April 16, 1790, in Joseph Chmel, "Actenstücke zur Geschichte des österreichischen römisch-katholischen Kirchenwesens unter Kaiser Leopold II. (1790)," Archiv für Kunde Österreichischer Geschichts-Quellen, IV (1850), 85, 89.

imbued the children with natural rather than with Catholic religion.[30] Cardinal Migazzi complained about the program of studies which the training schools gave to future teachers. Their religious instruction was mostly on subjects which were free of controversy between Protestants and Catholics. Little time was given to teaching about the sacraments and other supernatural truths. The Cardinal also charged that the customary religious exercises in the schools were being omitted. There is little reason to doubt that the bishops' assertions were accurate and that toleration, as conceived by Gottfried van Swieten, was firmly imbedded in the religious instruction of children.

Most of this effort, in higher education and in the elementary schools, was directed against intolerant attitudes of Austrian Catholics. However, the government concerned itself also with changing the ghetto mentality of the Jews. To Josephinists, Jewish exclusiveness seemed closely akin to anti-Semitism among Christians. Rooted in superstition, that is in the belief that the Jewish nation was still the Chosen People, this overweening group pride turned easily into hatred of Christians. Since the Jews were a tiny minority, they could not express their intolerance with violence, denial of civil rights, and other kinds of persecution. They did, however, exploit Christians, by usury and other disreputable business practices. Intolerance, whether Jewish or Christian, offended the enlightened Austrian's humanitarian sentiments as well as his ideal of social efficiency. Hence, the government used the schools to teach a form of tolerance to the Jews. Joseph himself aimed at a moderate reform, integrating the Jews into civil society while respecting

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[30] Ibid., p. 105.

their ancient faith and their sacred books. Consequently, he had van Swieten's commission instruct the teachers in public schools to excuse Jewish children from Christian instruction and school prayers and not to disturb their religious convictions.[31] He also rejected proposals for the suppression or expurgation of the Talmud.[32] In a similar spirit, the provincial government asked the chief rabbi of Prague to inspect the textbooks in use in Christian schools attended by some Jewish students.

While safeguarding their religion, Joseph insisted that the Jews abandon their cultural ghettos. Despite enticements and reassurances, the government could not easily attract Jews to the new educational system, not even in Vienna, Trieste, and Prague. In Trieste, whose Jewish community of four hundred persons was noted for a relatively high degree of assimilation into the life of the city and for its good Jewish school, less than half of the children of school age attended class in 1786.[33] Private tutors gave the majority of them whatever education their parents believed they needed. Jewish aversion to the school arose, not only from an inbred, generalized fear of gentile aggression, but also from the requirement to use German rather than the "national" language. This threatened Jewish religion as well as culture, since the communal language seemed necessary to preserve the distinctive corporate identity of the Jews as a people set apart by

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[31] Regulation, December, 1782, AVA, Unterrichtsarchiv, Fz. 85.

[32] See H. Gnau, Die Zensur unter Joseph II. (Strassburg, 1911), p. 133, for the text of an imperial edict, September 19, 1789, protecting the Talmud from the censorship.

[33] Report by Referent von Rath, April 8, 1786, AVA Unterrichtsarchiv, Fz. 85.

God. The government further provoked them when it ordered that marriage licenses not be granted nor the Talmud studied until the language requirements were met.[34]

Van Swieten, while sharing the Emperor's antipathy to Jewish exclusiveness, was less reluctant to undermine Jewish religious beliefs. His commission used its influence in the selection of teachers and the preparation of textbooks to propagate a philosophy of life inspired more by Voltaire than by the prophets. An instruction of October 20, 1781, for example, laid down principles to guide Jews writing textbooks of religion.[35] They were to avoid anything "offensive" (anstössig), such as prejudice, superstition, or talmudic casuistry. They were to draw their instruction in good conduct from "moral philosophy, that is, for men in general without respect to the different religions."

This kind of enlightenment encountered strong opposition when applied in Galicia, where Jews were about ten per cent of the population and more attached to their traditions than in Prague or Trieste. The government appointed Herz Homberg as superintendent of the Jewish schools, an independent system parallel to the Christian. Imbued with the spirit which animated his chief, van Swieten, he worked vigorously to put the reforms into effect. However, he antagonized the people by trying to prevent the study of the Talmud until the students had mastered German, by casting doubt on the authenticity of the Bible, and by his worldly manner of life.

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[34] Ibid., April 13, 1786. In Galicia, consequently, the majority of Jews did without the civil marriage, cf. M. Margolis, History of the Jewish People (New York, 1960), p. 625.

[35] Hofkammerarchiv, Litorale, Fz. 26.

The conflict came to a head when leaders of the Jewish community in Galicia protested to the Emperor against Homberg's "free behavior," as contrary to religious custom and to the Talmud.[36] They requested that the teachers of religion be exempted from Homberg's authority, to save the people from being led into disbelief and immorality. They asked also that attendance at school be made voluntary for girls and that the required period of education be reduced for boys. If granted, this petition would have largely vitiated the government's attempt to enlighten the Jews. The commission, therefore, stood behind Homberg, adopting his view that the protest was simply an attempt to push aside the German schools.

Neither the Emperor nor van Swieten appreciated the orthodox Jew's conviction that his religion was inseparably connected to his culture; the "national" language was essential to both. Germanization threatened to disintegrate the Jewish community, and Jews once thrown loose were likely to be absorbed by Christian society.[37] However, in the interest of the state, the government had committed itself to integrating this people with the rest of society. This was impossible unless the Jews mastered the official language, purified their religious instruction of fanaticism, and gave up certain customs, such as not educating girls. These reforms did not, in the Emperor's own view, affect the essentials of the Jewish religion.

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[36]For the protests of the Galician Jews, see the report of the Studien und Cenzur Hofcommission, January 27, 1791, in AVA, Unterrichtsarchiv, Fz. 85.

[37]For the apprehension felt by Moses Mendelssohn concerning Joseph's emancipation of the Jews, cf. his Jerusalem, cited by Simon Dubnow, Die Geschichte der jüdischen Volkes in der Neuzeit (Berlin, 1928), p. 375.

II

During Joseph's reign, the censorship as well as the schools, contributed to the "National Enlightenment."[38] The censors' specific service to tolerance was to restrain the expression of religious animosity, to permit enlightened authors to justify the reforms, and to defend their writing, if need be, from conservative and clerical attack. How the censorship functioned depended, of course, largely upon the Emperor. He appointed its personnel and determined the conditions of its operation. In principle, the Emperor envisaged the censorship as a means to improve the public by upholding reasonable standards of morality and literary taste. This led Joseph to insist on a strict supervision of the theater and certain types of political and religious literature. But he considered it useful to give freedom to enlightened authors, as they not only supplemented the schools in educating the people but also helped discipline government officials and the clergy by exposing dishonesty, incompetence, and disobedience. Moreover, he believed in lightening the formalities of censorship, to aid the publishing industry in the monarchy.[39] And, finally, he agreed with his advisors that learning and scholarship required a larger measure of freedom than his mother's regime had permitted.

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[38] Oskar Sashegyi, Zensur und Geistesfreiheit under Joseph II. (Budapest, 1958), is the most recent and authoritative monograph on the censorship under Joseph II. For the phrase nationale Bildung, cf. van Swieten's Vortrag, April 28, 1784, in Gnau, op.cit., p. 233.

[39] Ibid., pp. 98-99. His belief in economic autarchy led him to aid the industry by permitting local publishers to reprint foreign books without the original publisher's permission. Van Swieten and other Aufklärer vigorously condemned literary piracy, but they won only one small concession, that the work of local authors would be protected.

The Josephinist censorship was the culmination of a long series of reforms, which brought the institution under state control and secularized its function. At the beginning of Maria Theresia's reign, the censorship was still an autonomous ecclesiastical institution administered by the university and devoted to preserving Catholic orthodoxy. In 1752, a Court Censorship Commission was established, replacing the university as censor. Under the presidency of Gerhard van Swieten, the commission became exclusively an instrument of the state.[40] This meant merely a shift in authority, not a relaxation of the rules. Van Swieten was a Jansenist and a severe critic of irreligious writings. His successor, Count Leopold von Clary, a man of conservative views, continued his policies.

In 1781, Joseph made sweeping changes in the administration, regulations and spirit of the censorship. Clary was replaced by the Josephinist, Count Johann Rudolf Chotek; more liberal instructions were given to the commission; and all provincial commissions were suppressed in favor of the Court Commission in Vienna. He further centralized the administration in April, 1782, attaching the censorship commission to the Commission on Education. This reform stressed the censor's primary duty to foster enlightenment among the people.

The censorship carried out this responsibility like a "friendly, reasonable man."[41] The commission revised the catalogue of forbidden books, reducing the Theresian list of 5,000 titles to a new list of

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[40] See Wilibald Müller, Gerhard van Swieten (Wien, 1883), for the elder van Swieten as censor.

[41] Sashegyi, op.cit., p. 103. The quotation is from Tobias von Gebler, 1781, in the State Council.

only 900. Books intended for the educated reader were treated more leniently than those for the general public. The censors permitted, for instance, the French edition of Voltaire's complete works but not the German translation. The clergy and police were not to search private premises for forbidden books. And customs officials were to inspect commercial shipments of books but not private libraries.

This indulgence, especially towards enlightened writers, was amplified by the Emperor's policy of cutting the expenses of the censorship. He so severely reduced its personnel and restricted its jurisdiction that even important regulations could not be effectively enforced. Van Swieten, moreover, connived frequently at violations of the law. Under his protection, Joseph Wucherer, a Vienna publisher, did a good business printing uncensored or forbidden books.[42] It was also due to van Swieten that several books in the manuscript copy of the new catalogue were omitted from the published edition. Ultimately, in April, 1787, he brought about the abolition of prior censorship. This lax administration made it virtually impossible to prevent the distribution of forbidden books; Johann Pezzl's Marokkanische Briefe and Franz Huber's Briefe aus Rom, for example, were printed and sold openly in Vienna. Enlightened writers thus felt few restrictions on their freedom of expression.

The censorship's policy in dealing with irreligious literature was rather liberal. The new catalogue of prohibited books included the more radical works of the Enlightenment, books by d'Holbach and Hume and individual titles by Fréret, Helvétius, Mirabaud, and Lessing.[43] Some

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[42] Ibid., pp. 123-24. [43] Ibid., pp. 115-16.

of these, like Hume's Natural History of Religion, were later admitted for scholarly use. Joseph did not tolerate atheistic literature but van Swieten, although himself no atheist, applied the laws leniently.

In contrast, the conservative clergy, who were the chief threat to religious peace, were dealt with more strictly. Austrian law required that papal documents have government approval, the placetum regium, before they could be published in Austria.[44] The Emperor exercised this right to the benefit of the Enlightenment by not recognizing papal condemnations of the masonic order and certain treatises defending toleration. The government jealously guarded the placetum, even expelling the papal nuncio, Cardinal Zondadari, in 1785, from the Austrian Netherlands for attempting to circumvent it.

Towards conservative Austrian clerics, the government was equally strict. It carefully regulated their principal weapon, the sermon. In 1781, the Emperor prohibited polemical sermons. This type of preaching, which developed during the Counter Reformation, focused on the issues controverted between Protestants and Catholics. In the absence of a strong Catholic press, such sermons in printed versions carried Catholic polemic to a large public.

To enlightened Austrians, this type of instruction seemed ill-suited to improve the people, for few preachers were capable of good theological argument, nor were ordinary congregations able to appreciate it. Too often the polemical sermon catered to the base instincts of man and thus notably lowered the tone of the community's religious life. It

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[44]Decree, March 26, 1781, in ibid., p. 32.

usually consisted of a vigorous denunciation of Protestant principles, spiced with invective and vulgar jests at the reformers, and a triumphant affirmation of the Catholic beliefs and practices challenged by the enemy.[45] In Joseph's eyes, any sermon that stimulated religious antagonism went against his policy of uniting his subjects.[46] Hence, he extended the prohibition to all polemic sermons, the good as well as the bad. Abbot Rautenstrauch, Bishop Hay, Wittola, and other enlightened Catholics welcomed the Emperor's reform, for they deplored the misunderstanding of Catholic faith caused by polemic. It seemed to them that a disputatious preacher, stressing those truths rejected by Protestants, often neglected others which are more basic to Christianity.

This ban was enforced more effectively than most censorship regulations, because the government received valuable unofficial assistance. In Vienna, in 1782, a group of enlightened writers, led by Leopold A. Hoffmann, began to publish criticisms of sermons. Despite angry protests from the bishops, especially Migazzi, the government encouraged them. For several years, the sermon critics ridiculed instances of the clergy's superstition, silliness, and disobedience to government regulations.[47]

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[45] For a notorious example, see Simplizian Haan's sermon at Mühlheim near Cologne, in J. Pezzl, Faustin (s.l., 1784), pp. 190 ff. "Luther and Calvin were apostles of Satan," said Haan, "and Protestants are certain to be damned."

[46] The sermons by A. Merz, in the cathedral at Augsburg, despite their evil reputation among the Aufklärer, typify the more reasonable sort. For a lengthy list of Merz' sermons, cf. A. de Backer, Bibliothèque des écrivains de la Compagnie de Jésus (Paris, 1869-76), II, 411-20.

[47] Leopold Alois Hoffmann, Wöchentliche Wahrheiten für und über die Prediger in Wien (Wien, 1782-84); Hoffmann and Cajetan Tschink, Über Gottesdienst und Religionslehre der österreichischen Staaten (Wien, 1784-86); Tschink, Kritische Bemerkungen über den religiösen Zustand der K.K. Staaten (Wien, 1786-88).

They effected a considerable alteration of tone and content in the instruction given the people from the pulpit.[48]

The censorship likewise paid close attention to devotional books. For some of these impregnated the minds of common people with traditional Catholic attitudes toward religious dissenters. The censors forbade several pamphlets for violating the ban on religious controversy. J. Christian Pannich's book, Luthers Katechismus zur Warnung aller Verführten, was suppressed because it slandered Protestants.[49] Instead of the familiar religious books, the public was encouraged to read particularly the New Testament's gospel of love.[50] During Joseph's reign, previous prohibitions on possessing or reading vernacular editions of the Bible were lifted; the New Testament was made readily available in all the major languages of the monarchy.[51]

Protestants needed enlightenment but, from the Josephinist point of view, not as badly as other Christians. In any case, the censorship had to concern itself with their literature. Under Maria Theresia, Protestant literature had been absolutely forbidden in the Catholic provinces and severely restricted even in Hungary and Transylvania. With Joseph's accession, Protestant books were admitted freely into all provinces where non-Catholics were tolerated; and after the Edict of Toleration, into the entire monarchy. Joseph, however, did not allow Catholics

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[48] Sashegyi, op.cit., p. 185. [49] Gnau, op.cit., p. 124.

[50] Cf. decree of August 10, 1781, in Sashegyi, op.cit., p. 178.

[51] For a brief history of this prohibition in canon law, see E. Amann, "Versions de la Bible," Dictionnaire de Théologie Catholique (Paris, 1946), XV, 2738-39. For Joseph's decree, August 10, 1781, permitting "the common people to have any Catholic Bible" and for Migazzi's opposition to this reform, in 1781, see Wolfsgruber, op.cit., pp. 591-93.

to have Protestant Bibles or devotional books, although they might read most of the scholarly writing of non-Catholics. Nor did he allow the publications of illegal sects. He prohibited anti-Catholic polemic, but he did nothing about the more or less lengthy anti-Catholic paragraphs of the catechism, hymnals, and other official books used in Protestant worship. In 1787, although Abbot Rautenstrauch, supported by the State Council, proposed to "purify" the Lutheran small catechism and the hymnal, Joseph let the Protestant consistories edit, without interference, their liturgical books.[52] In the following year, however, he banned the importation of a Saxon hymnal because of its objectionable passages about the dominant religion.[53]

The Emperor occasionally put restraints on the more extreme Protestant criticisms of his educational policies. He permitted the Calvinists in Hungary to mount a lively propaganda in 1788 against the danger of assimilation in the mixed schools. But when a pastor criticized government control of Protestant schools, Joseph banned him from the pulpit. An Austrian Protestant pastor, Georg Michael Eisenbach, had to leave the country in 1788 for inciting his parish to disobey the school regulations, and a pamphlet continuing his attack was prohibited.[54] Repression of this sort, however, was rare. Protestants,

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[52]Sashegyi, op.cit., pp. 201-3.

[53]Decree of December 4, 1783, Hofkammerarchiv, Litorale, Fz. 26.

[54]In exile in Germany, Eisenbach reiterated his main charge that the government's policy of toleration aimed at subverting the Protestant churches. Cf. the summary of his violent pamphlet, "Die vom Kaiser Joseph II. in seinen Staaten zwar gegründete, von der Römischen Hierarchie untergrabene Toleranz ein einer Species facti dargestellt, mit mehr als hundert Urkunden beleuchtet, und dem Kaiser zugeeignet von einem noch blutenden Opfer der Römischen Hierarchie und der politischen Kirche," in Allg. Deut. Bibliothek (1791), XCVII, 513-26.

generally pleased with Joseph's reform, spontaneously justified it. Their writing preoccupied enlightened Austrians less than did dramatic literature.

The government desired that the Vienna stage, like other forms of literary expression, contribute to the national enlightenment. But, Josephinist aesthetics, expressed in the censor's aversion to religious themes, prevented the stage from occupying itself specifically with intolerance. In the 1760's Sonnenfels strove to establish the neoclassical canons of taste popularized in North Germany by Johann Christoph Gottsched. These required the stage to promote virtue and improve the literary language, as well as entertain the public. The Emperor, sharing this view, consequently denied to playwrights the wide license that he allowed the press. Keenly interested in the stage, he reorganized the court theater (Burgtheater), in 1776, into a German national theater, and at times intervened personally to improve its quality.

He conceived the moralistic purpose of the stage to include teaching those virtues which dispose a people to be tolerant, particularly reasonableness, the practical prudence which opposes fanaticism. In September, 1779, he allowed a German version of Voltaire's Mahomet to be presented at the Burgtheater.[55] However, it did not occur to the Emperor that his idea of religious liberty might be good dramatic material. The theater censor, Franz Hägelin, reflected Joseph's personal view, in stating that religion is too sublime for the profane, especially

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[55] An authoritative monograph on the Josephinist censorship of the theater is K. Glossy, "Zur Geschichte der Wiener Theaterzensur," Jahrbuch der Grillparzer Gesellschaft, VII (1897), 238-340. For Mahomet, cf. ibid., p. 303.

the comic theater. Hence, religious persons and objects were not to be represented on the stage.[56] Nor were opinions which contradicted the Christian religion to appear in the persons of atheists, free thinkers, deists, or heretics.[57] Hägelin, moreover, asserted that religious tolerance should not constitute the principal theme of a piece:

> No subject should be presented whose chief theme was [either] Christian tolerance or . . . indifference as to the different forms of cult; such matters are scandalous on the profane stage. [58]

Since the censorship was carried out effectively at the two theaters in Vienna presenting serious drama, the Kärtnertortheater and the Burgtheater, it restrained the stage from significantly justifying religious tolerance. This theme, nevertheless, did occasionally appear in the plays of Paul Weidmann.

The orthodox principle in the Emperor's mind, evident in this careful regulation of the theater, expressed itself at the end of his reign in a gradual abandonment of the ideal of national enlightenment. A dangerous ferment in the monarchy, together with the outbreak of revolution in France, increased Joseph's concern for the stability of the state. This led him to demand a more conscientious application of the censorship against radical ideas. As early as 1784, a new category

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[56] Ibid., p. 309. A typical application of this rule was to change priests and Protestant ministers into school masters.

[57] Cf. K. Glossy, Zur Geschichte der Theater Wiens 1801-1820 (Wien, 1915), I, xxxiv, 131-35, 188-89, 252, 308, for the censor's repeated refusal to permit Lessing's Nathan der Weise. First staged in Berlin, in 1783, the play was excluded from Vienna until 1819, and then mercilessly mangled to suit the police and the archbishop. Also E. Schmidt, Lessing (2nd rev. ed., Berlin, 1899), II, 413 ff.

[58] Glossy, "Wiener Theaterzensur," Jahrb. d. Grillparzer Gesell., p. 309.

of prohibited books, typum non meritur, had been introduced to eliminate the trash among the pamphlets. In July, 1789, a stamp tax was imposed on all printed matter, and censorship prior to publication was restored. Also that summer, Joseph criticized the censors for overlooking several radical propositions defended by a student, Jakob Kofler, at the University of Vienna. The Emperor objected particularly to the student's justification of the right of resistance to despotism.

> Since these propositions constitute a dangerous theory for the state in the present, almost universal frenzy for freedom and independence, much greater caution should be used in the future when censuring such propositions. 59

The welfare of the state was Joseph's touchstone of policy. When liberty of expression seemed to endanger public security, he gradually tightened the censorship.

Joseph's growing concern about this "frenzy for freedom" brought out into the open, in 1789, the latent conflict of religious conceptions between himself and van Swieten. As the Emperor came to believe that the schools and the censorship had contributed to national ferment as well as to national enlightenment, van Swieten fell from favor. His highhanded manner had already made many enemies in the upper bureaucracy. Often he independently decided in matters which should have been submitted to other officials for discussion. In November, 1789, his prestige was seriously hurt when Wucherer, his protégé, was finally arrested and banished for illegal publishing. A result of this incident was that manuscripts were again censored before going to the printer. Shortly afterwards, van Swieten lost influence over educational policy.

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[59] Wolf, op.cit., p. 61.

In February, 1790, Joseph complained that "religion and morality, essential points in the education and forming of youth, were being treated frivolously."[60] He showed whom he believed was at fault when he explicitly excluded van Swieten and Sonnenfels from the commission created to prepare a comprehensive reform of the schools. Leopold II, in April, 1790, appointed Karl von Martini, a strong opponent of van Swieten, to complete the reform, and in December, 1791, suppressed van Swieten's commission. Although sympathetic to the idea of tolerance and national enlightenment, Martini valued the moral authority of the church over the people. With Francis II, the schools and the censorship, thenceforth under the control of clergy and police, were devoted to preserving the status quo.

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[60] Posch, op.cit., p. 59.

CHAPTER IV

TOLERATION AND ENLIGHTENED CATHOLICS

Before the eclipse of van Swieten's power, enlightened authors took advantage of the unusual freedom allowed to the press, to create in a few years, 1781-89, a large literature in favor of toleration. The most significant work of explaining and justifying Joseph's Edict fell to a rather small group of writers chiefly in Vienna. Their propaganda is a spectrum of enlightened Austrian opinion, ranging from Catholic to secular humanist. Enlightened Catholics took a prominent part in this, as in the justification of other Josephinist reforms, giving rise to controversy then and now as to their orthodoxy.

Many contemporary writers denied the compatibility of Enlightenment and Catholicism. Friedrich Nicolai's Allgemeine Deutsche Bibliothek, speaking for most enlightened North Germans, asserted that Joseph's Edict of Toleration was not consistent with the outlook of the Roman Catholic church.[1] Nicolai acknowledged that some Catholics were enlightened, but he implied that they were not really Catholic. His opinion was plausible, since the hierarchy as a body and most

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[1] Allgemeine Deutsche Bibliothek, 5. Anhang, 1. Theil (1791), pp. 294-95, in a review of B. Werkmeister's Über die christliche Toleranz. Also, Friedrich Nicolai, Beschreibung einer Reise durch Deutschland und die Schweiz im Jahre 1781 (Berlin and Stettin, 1784-88), Vol. II, appendix, p. lv: "It is true that Joseph II and a few clear-thinking Catholics demonstrate true tolerance; but not so, the Catholic clergy as a body, and still less the Catholic church or the hierarchy."

orthodox Catholics likewise regarded the fundamental tendencies of the Enlightenment as antipathetic to Catholicism.[2]

Despite the critics, some Catholics believed that their church could and should come to terms with the demands of their age. Aware that ecclesiastical authority, at the least, did not approve of their efforts, they attempted to escape from this anomaly by distinguishing Catholicism as such, which could reconcile itself with Enlightenment, from the Roman Curia, the monastic orders, and the scholastic theologians, who could not. In a similar way, enlightened Catholics distinguished the ideals of their age, which seemed naturally good, from the deists and atheists who held them.

Enlightenment, to its Catholic partisans, stood for a general improvement of human intelligence and an increasing appreciation of human worth. It meant in the first place a secular reform, and in the second a reform of the church. To improve man's temporal condition, they supported scientific academies, public education, rationalization of political institutions, refinement of manners and morals, humane reform of the law, and greater freedom and equality for the individual citizen. To improve man's spiritual condition, they desired reforms leading to a more inward, individual piety stressing fraternal charity, and a public worship, simplified and centered on the basic cult. In neither respect, secular or religious, did enlightened reforms undermine belief in the unity and infallibility of the church or any other

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[2]This conservative Catholic outlook is found in Kritik über Gewisse Kritiker, published by the ex-Jesuits in Augsburg, 1787 et sqq., as well as in the numerous sermons and tracts by Alois Merz.

basic Catholic doctrine.[3]

Many North German critics challenged this conception of Enlightenment.[4] Deists argued that man should live only according to reason and the law of nature, otherwise he was not enlightened. Enlightened Protestants accepted only as much of the Bible as reason could confirm. The Catholic Aufklärer, on the other hand, held that it was reasonable both to accept revelation from God and to live according to faith as interpreted by the church.[5] For reason and faith could not contradict one another, since they came from the same source.

Enlightenment among Catholics was led by clerics concerned chiefly with ecclesiastical reform. Most of them worked under government patronage as censors, librarians, or university professors. During Joseph's reign they controlled the general seminaries, especially Pavia. Convinced that only the state could reform the church in Austria, they adopted an Erastian conception of the ruler's authority in religion.

In the late eighteenth century, Catholics of enlightened outlook grouped themselves into two schools. The Febronians wished to increase the bishop's authority at the expense of the Roman Curia and the religious

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[3]A representative enlightened Catholic is Aquilin Julius Caesar, professor at the University of Graz, noted for his work in Styrian local history and Austrian canon law. He defined Enlightenment as the freedom to think for oneself, but he assumed that the individual would not come into conflict with the church if both were freed from prejudice. Cf. A. Posch, "A.J. Caesar und seine Stellung zur Aufklärung," Zeitschrift des Historischen Vereines für Steiermark, XXXIII (1939), 85-91.

[4]Friedrich Nicolai, Reise durch Deutschland (1785), V, 151-59, for the shortcomings of both Febronian and Jansenist enlightened Catholics. Also pp. 171-76, for Nicolai's criticism of an enlightened Catholic confraternity.

[5]A.J. Caesar, Die Klerisey hat vermöge ihrer Einsetzung das Recht Gesetze zu geben (Wien, 1787).

orders. They desired reform of the Catholic church as a preparatory step to a union of the three major religions of the Empire into a united German church, autonomous like the Gallican church. Although receptive to literature from Protestant Germany, especially in law and in history, the Febronians were usually orthodox in dogma, acknowledging the Pope's supreme authority in strictly doctrinal questions.

Jansenists, on the other hand, were almost as fearful of episcopal as of papal power. In any case, they treated reforms of ecclesiastical administration as secondary to a reform of Catholic thought and practice, in the light of the Gospel. They distinguished themselves by the stress they put on moral strictness and individual piety. Firmly orthodox in dogma, Austrian Jansenists were less interested than Febronians in contemporary Protestant thought and more concerned about religious freedom within the Catholic church than within the Empire.[6]

II

During Joseph's reign several German bishops, representing both of these points of view, gave support to a movement of reform within the church. Chiefly Febronian in outlook, they attempted, in the Nunciature controversy, to reduce the Roman Curia's jurisdiction in the Empire, presenting their program to the public in the Ems Punctation of 1786. They had other enlightened objectives, as well, which they attempted to preach in their pastoral letters. These documents,

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[6]Outside observers often noticed this division among Austrian Catholics. Cf. Nicolai, Reise durch Deutschland (1785), V, 151-59. Cf. also A.L. Schlözer, Staats-Anzeigen, IX (1786), 113-14.

usually in Latin and addressed to the clergy of a diocese, were sometimes translated, printed in pamphlet form and spread widely. The best known, perhaps, is Archbishop Colloredo's in Salzburg, 1782, which outlined a comprehensive reform of Catholic worship and devotional practice.[7] Some pastorals encouraged better relations with Protestants. In 1772, the Bishop of Speyer admonished his clergy, on religious, humanitarian, and patriotic grounds, to be courteous and friendly toward Protestants.[8] Archbishop Colloredo's reforms in Salzburg included liberty for non-Catholics.[9] Clemens Wenceslas of Trier and Augsburg prohibited invective against Protestants and supported the Austrian Edict.[10] Three Austrian bishops, Johann Leopold Hay, Karl J. Herberstein, and Joseph Auersperg, wrote pastoral letters to justify the Emperor's policy of religious toleration. Two of them, Hay's and Herberstein's, were widely read in Germany and often cited in contemporary polemic.

The importance of these letters lies as much in their authoritative

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[7]For Colloredo, cf. Joseph Mack, Die Reform- und Aufklärungsbestrebungen im Erzstift Salzburg unter Erzbischof Hier. von Colloredo (München, 1912). Colloredo's pastoral letter of July 15, 1782, is found in Schlözer, op.cit., II (1782), 56-115.

[8]August Graf von Limburg-Stirum, Hirtenbrief des Bischofs von Speyer an sein Geistliche (Frankfurt a.M., 1772), p. 58.

[9]See J. Hofer, op.cit., p. 525, for Colloredo's policy toward Protestants: while in principle maintaining Catholic uniformity, the government observed a spirit of tolerance toward unobtrusive dissenters.

[10]Wiener Kirchenzeitung (1784), pp. 219 ff. A. Gulielminetti, "Klemens Wenzelaus, der letzte Fürstbischof von Augsburg und die religiös-kirchliche Reformbewegung," Archiv für die Geschichte des Hochstiftes Augsburg, I (1909), 539, attributes authorship of the pastoral letter of 1783 to J.M. Sailer. See p. 580 for the pastoral letter.

character as in their enlightened content.[11] Distributed by the government throughout the monarchy, they helped to dispel the anxieties which the new policy had caused among devout Catholics. The letters demonstrated that the Edict was consistent with Catholic principles and would benefit rather than harm the church. Their impact was enhanced by the failure of the orthodox clergy to attempt a concerted opposition. Only one prelate, Rudolf von Edling, Archbishop of Görz, refused to communicate the Edict to his clergy; he was removed from his diocese.[12] Frankenberg, Primate of Belgium, and Migazzi, Archbishop of Vienna, submitted written protests to the Emperor. But most bishops simply informed their clergy about the Emperor's concessions to the Protestants.[13]

Leopold Hay of Königgrätz in Bohemia, the first bishop to defend the Edict, was a friend of the Emperor and close to Sonnenfels and Johann Birkenstock.[14] These influential connections, together with his personal qualifications, enabled Hay to make an important contribution

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[11] In his report on Herberstein's pastoral letter, Blumegen urged the publication of its German translation: "It would be of great service, if the public were instructed in the justice and the necessity of these decrees, especially through a bishop." AVA, Unterrichtsarchiv, Laibach, Vortrag, May 23, 1782.

[12] Concerning the Edling case, cf. Brunner, Theologische Dienerschaft, pp. 100 ff., 141 ff., 150 ff., for a conservative account. Cf. also J.R. Kusej, Josef II. und die äussere Kirchenverfassung Innerösterreichs ("Kirchenrechtliche Abhandlungen," Vol. XLIX [Stuttgart, 1908]), pp. 23-24.

[13] For the Bishop of Basel's acquiescence, typical of the hierarchy, cf. Müller (ed.), Martin Gerbert, I, No. 16, 25.

[14] Sonnenfels and Birkenstock, a court councillor and censor, were married to Hay's sisters. Cf. W. Müller, Johann Leopold von Hay (Wien, 1892), p. 7.

to the Enlightenment in Austria.[15]

Hay's contact with the problem of religious dissent dated back to the reign of Maria Theresia. During the Moravian religious unrest of 1777, she sent him, together with Marc Anton Wittola and Ferdinand Kindermann, organizer of the Bohemian school system, on an official investigation. The reports Hay sent to Vienna ascribed the unrest to the negligence and oppressive practices of the clergy.[16] His recommendations included better religious instruction and a faithful application of the tacit toleration prescribed in November, 1777. Since he hoped to bring the peasants back to the church, he did not advocate official religious toleration. Carefully avoiding even the hint of an inquisition, he let the peasants keep their Protestant books, after correcting the parts he thought were erroneous. His commission reorganized the elementary school system and supplied the district with 4,000 religious books in Czech. In explaining Catholicism, he stressed its basic, evangelical doctrines and the ancient prayers and creeds which Protestants generally accepted. His mission differed from those of the Counter Reformation, not in its goal, the conversion of the non-Catholics, but in its reliance on persuasion. For three consecutive summers, 1778-1780, he returned to work among the Moravian peasants during his vacation. Maria Theresia, much impressed by Hay's zeal, chose him to be bishop of Königgrätz, an unruly diocese in which there were many "hidden" Protestants.

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[15] For Hay's personality, see Eduard Winter, Josephinismus, pp. 223-34.

[16] See Müller, Hay, pp. 33 ff., for Hay's report of September 3, 1777. Cf. also F. Bednář, Kampf der mährischen Protestanten, p. 517, for Hay's report of August 14, 1777.

Soon after the Edict was made public, Hay published his pastoral letter.[17] Dealing only with toleration, it consists of a two-and-a-half page statement of principles, followed by instructions for applying the new government regulations, and a short conclusion. Schlözer's Staats-Anzeigen, in August 1782, spread the letter throughout the German-speaking world; it circulated also in Danish, Czech, and Magyar translations.[18]

Hay's pastoral letter scandalized the orthodox Catholic clergy in justifying religious toleration as useful to the state and grounded in natural law and the Christian religion. His opponents, to be sure, respected the freedom of conscience of a heretic who kept his opinions strictly to himself, but they countenanced toleration of overt heresy only as an unavoidable necessity. The Christian ruler was duty-bound to prevent the poisoning of public wells and the circulation of counterfeit money. How much more serious was his obligation, in love as well as in justice, to prevent the dissemination of a poison which killed the human soul. It was especially repugnant to orthodox critics that Hay should attempt to represent tolerance as a Christian virtue.[19]

In support of his thesis, Hay lays heavy stress on Christian

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[17] Leopold von Hay, Hirtenbrief des Bischofs von Königgrätz (Wien, 1781). For the text in German, cf. Müller, Hay, pp. 59-65.

[18] Staats-Anzeigen, I (1782), 157-67. Allg. Deut. Bibliothek, XLI (1782), 598, warmly recommends the pastoral: "Many Protestant pastors could learn toleration from it." The Gothaische gelehrte Zeitungen, II (1782), 869, gives a similar recommendation to the Danish translation.

[19] For a thorough, contemporary clerical criticism, cf. Katholische Betrachtungen über das Circularschreiben des Herrn von Hay . . . über die Toleranz (Frankfurt, 1782). It is ascribed to Patricius Fast, Dean of St. Stephan's Cathedral in Vienna. J.C. Binder wrote a rejoinder: Sendschreiben an . . . P. Fast (s.l., 1782).

fraternal charity. This kind of love combines concern for our neighbor's salvation with genuine respect for his person. Hay invokes the example of Christ and the apostles who, to win the free assent of men, relied solely on the power of truth and love. Toward the erring, Christ was patient and gentle; he forced no one to follow him. Furthermore, Hay implies, Christ forced no one to remain in his company.

Christians who would obey Christ's law of love may use only the weapons of prayer and persuasion to lead others to truth and virtue. Hay enjoins his clergy to refrain from bitter, injurious, or provocative expressions. They are to hold and confirm their people in the truth "with all gentleness"; they are to show sincere love and good will toward everyone, regardless of the religion he professes.

The bishop seems to deviate from orthodoxy, not only in his idea of Christian love but also in his conception of the church. He gives the impression of not believing that the Roman Catholic church alone teaches divine truth. He never refers to the tolerated confessions as "false," as an orthodox Catholic would have done, but merely as "a religion different from ours," as "people who profess another religion," and "who think differently from us." What traditional theologians consider an article of faith, he calls an "opinion."

Moreover, Hay does not evince in this letter an orthodox Catholic's belief in the church as a sovereign, visible community. He holds, it seems, that the needs of civic life override ecclesiastical law, even that of ecumenical councils. Ignoring the prohibition in canon law, he opens Catholic burial grounds to Protestants.

> Peace and public good order, which quite properly take the highest place among the laws governing ecclesiastical matters, seem to require that we

> grant to our Protestant fellow citizens, with whom we are bound to live in friendly mutual accomodation, a place of rest among us also after their death. 20

This would also suggest to his reader that he did not think of the church as the exclusive way to heaven. He displays a similar spirit of accommodation in his instructions concerning the administration of the sacraments. When Catholic pastors officiate at the baptisms, marriages, and burials of non-Catholics, they are to hold to the essentials of the ritual and to omit what is "merely Catholic" and contrary to the non-Catholic's religious views.[21]

These decidedly Erastian passages, along with Hay's friendship with Sonnenfels and other persons at court, led some Catholic critics to describe the pastoral letter as a servile apology for the state.[22] However, it is an injustice not to consider the letter in the light of Hay's long apostolic career. An apology it undoubtedly is, but it is neither servile nor primarily political. Essentially an exhortation to an enlightened fraternal charity, the letter is derived from sincere, Christian convictions.

In writing about the church, it is most likely that he was governed by the pastoral tact he used in Moravia, in 1777, among the peasants.[23]

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[20] Müller, Hay, p. 63, point 6 of the pastoral letter.

[21] Ibid., point 5. The Febronians believed that the bishop had authority to alter nonessential parts of the liturgy. Auersperg, Bishop of Gurk, issued instructions identical to Hay's, for the baptisms, marriages, and burial services of non-Catholics.

[22] Cf. Winter, op.cit., p. 260. Garampi reported to Rome that Bishop Hay did not understand genuine Catholic doctrine or his pastoral duties and that he wrote the pastoral to win favor at court. Brunner, op.cit., pp. 324-30, attempts to support the nuncio's opinion.

[23] Cf. Winter, op.cit., pp. 224-25, for Hay's pastoral inclinations.

The duty to spread the Gospel meant making the church attractive to the non-Catholic, on the assumption that the heart must be won before the mind can be convinced:

> A person's first step towards acknowledging his error always demands overcoming his self-love. My whole concern is to make this less difficult. 24

Hence, he carefully avoided, perhaps to the extent of misrepresenting his own belief in the church, expressions such as "one and holy" or "only true church," which alienated non-Catholics even before contact could be made. Hay like Muratori, whose Della carità cristiana he distributed in Czech translation, trusted in the efficacy of reasonable, humane evangelism.

Hay gave further proof that he was an enlightened pastor, not a servile court bishop, in his criticism of illiberal aspects of Joseph's policy. Late in 1782, he objected to requiring six weeks of instruction for Catholics who wished to join a tolerated church.[25] He agreed that it was wise to discourage irresponsible conversions, but this method led too easily to intimidation. A few months later he objected to the government's harsh treatment of the Bohemian Deists. He had attempted, initially, to persuade them to adopt one of the tolerated confessions. When they refused, it was he who recommended to the Emperor that they be moved from Bohemia to Transylvania. As yet, they were few in number; but if they were permitted to stay, they might inspire a mass movement among the peasants. In Transylvania they could live among Unitarians, in a province already mostly non-Catholic. However, Hay did not intend

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[24]Hay to Maria Theresia, August 14, 1777, Bednář, op.cit., p. 517.

[25]Winter, op.cit., p. 234.

this as a punitive measure. He could not agree to depriving the peasants of their property and their young children. He likewise opposed the beating prescribed for peasants who continued to profess themselves Deists.[26]

It is thus clear that Hay stood for a genuine tolerance based on Christian, as well as on rational principles. But he believed, as well, in restricting religious freedom for the sake of preserving Catholicism as the state religion. His missionary activity, of which the pastoral letter is a part, was a practical compromise consistent with orthodox doctrine and eighteenth-century applications of the principles of religious liberty.

In a pastoral letter of December 5, 1781, Bishop Herberstein of Laibach expresses substantially the same ideas about toleration as Hay.[27] The Laibach letter, however, acquired special significance as the occasion for a serious conflict between Joseph II and Pius VI. It is fitting that this should have happened to Herberstein rather than to the irenic Hay. Energetic, strong-willed and deeply religious, the Bishop of Laibach was also "the most radical representative of the Enlightenment in clerical garb."[28] Herberstein was a vigorous advocate of Joseph's ecclesiastical reforms and especially ardent in claiming episcopal autonomy. As a "Jansenist optima forma," he championed the

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[26] Ibid., pp. 232-34.

[27] K.J. Herberstein, Hirtenbrief an die Geistlichkeit und das Volk des Laybachischen Diöcese von dem Bischofe zu Laybach (2nd ed.; Wien, 1782).

[28] V. Einspieler, "U.K. Graf von Herberstein" (unpublished Ph.D. dissertation, University of Vienna, 1951), p. 14. Herberstein ruled Laibach, 1772-87.

orthodoxy of the schismatic Church of Utrecht.[29] During the pontificate of Clement XIV, he attempted to bring about a reconciliation between Utrecht and Rome. Herberstein also maintained close connections with Italian Jansenists: in 1785, his friend, Scipione Ricci, Bishop of Pistoja, brought out an Italian translation of the pastoral letter.

Herberstein's Jansenist inclinations do not noticeably affect his treatment of toleration in the pastoral. His thought on this point seems drawn from German natural law theory, traditional Staatskirchentum, and enlightened Catholic moral theology.[30] His purpose is primarily pastoral: to create a tolerant attitude in Catholics. Therefore, he goes beyond a simple justification of the Edict to defend the sincerity of those declaring themselves Lutheran or Calvinist. Tolerance would be no more than a legal fiction if the Catholic majority regarded such persons as "enemies of God." For the same reason, he omits from the pastoral letter any expressions which might arouse or strengthen the people's ancient prejudices. Throughout, he presents the Catholic church in an ambiguous light, never calling it the "only saving" (alleinseligmachende) church. He refers to articles of faith as "opinions," and to Christian churches indiscriminately as "parties." To the state he attributes control over all the externals of religion. His expressed views, in sum, are like those of the other enlightened bishops.

Herberstein does not devote the pastoral exclusively to toleration. After a Febronian analysis of civil and ecclesiastical authority, he

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[29] Brunner, op.cit., p. 339.

[30] Herberstein's library included works by Pufendorf in natural law; by Joseph Pehem, Paul Joseph Riegger, and Joseph Eybel in Austrian ecclesiastical law; and by Muratori in moral theology. Cf. Einspieler, op.cit., pp. 42-44.

92

defends the Emperor's reforms of the monastic system, matrimonial law, and the liturgy. Since the bishop addresses the German version to the general public, he does not discuss how the clergy is to apply the Edict.[31] Instead, he writes in general about religious toleration and the Edict. He justifies the Edict as in accord with natural law and the Christian religion and in the best interest of society. The ruler should not concern himself with the truth of a person's beliefs, but rather with whether they make him a good citizen. The human conscience is beyond his authority:

> . . . because everyone has the innate right to affiliate himself with the religious party which seems to him, after a conscientious examination, to be the true one. 32

This sentence, Pius VI asserted, is "certainly heretical." It became the focal point of the later controversy.

The public greeted this letter with a mixed chorus of applause and abuse. The bishop's enemies called him "half-Lutheran" and his ideas, "fashionable scholarship."[33] The Österreichische Biedermannschronik,

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[31] According to Einspieler, op.cit., pp. 82-84, Herberstein wrote a Latin pastoral letter to his clergy, published in the Directorium, December 5, 1781. Its contents differed from the German edition of 1782, which Herberstein wrote to counteract Garampi's note to Kaunitz, for which, see below, footnote 39. On Herberstein's purpose, see WKZ (1788), pp. 82-85. For the authorship of this pastoral letter, see Brunner, op.cit., pp. 343-44, who, following two contemporary critics of Herberstein, alleges it was conceived by a literary hack in Vienna. Einspieler, op.cit., pp. 83-84, accepts it as Herberstein's own work, although remarking that, in form, the German edition differs considerably from the Latin original. A French translation appeared in 1783; Ricci's Italian translation, in 1785.

[32] Herberstein, op.cit., p. 40: ". . . weil jeder das angeborene Recht hat, sich an die Religionspartei zu halten, die ihm nach seiner Einsicht und gewissenhaften Prüfung die Wahre zu sein denkt."

[33] Einspieler, op.cit., p. 95. Cf. Brunner, op.cit., pp. 343-46, for summaries of two typical tracts against Herberstein.

a register of enlightened Austrians, praised him and held up his pastoral letter to Cardinal Migazzi for imitation.[34] Official circles realized that Herberstein's writing had verged on denying papal authority. But while the Court Chancellery wished that he were more cautious, Kaunitz proposed that he be commended for his courage. Joseph expressed his personal satisfaction with the pastoral, May 30, 1782, in a resolution approving its publication.[35]

As soon as the Latin version was issued, Garampi informed the Pope of its contents. During his visit to Vienna, March 1782, before the German version had been published, Pius VI warned Joseph never to propose Herberstein or Hay for a higher ecclesiastical office. In 1785, the Emperor felt it necessary to test the Pope's determination. In reorganizing the diocese of Laibach, Joseph had made it a metropolitan see, and in 1785, he nominated Herberstein to be the new archbishop. Rome did not object to the reorganization but refused to confirm Herberstein, on the grounds that Herberstein had taught scandalous and erroneous principles in the pastoral letter of 1782. In the message, January 7, 1786, rejecting Herberstein's nomination, Pius singled out the bishop's idea of toleration as "infected with heresy." By omitting the phrase, "after a conscientious examination," from the key sentence, Pius made the bishop appear to teach theological toleration.[36]

Joseph acknowledged the Roman See's right to judge in questions of

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[34]Johann Rautenstrauch, Österreichische Biedermannschronik (s.l., 1784), pp. 95 ff.

[35]H.H. u. Staatsarchiv, Staatsrat, Protokolle, 1782, No. 1667.

[36]Pius VI to Joseph, January 7, 1786: "Unicuique jus esse sectandi religionem, quae ipsi suomet judicio vera esse videtur." Quoted from Einspieler, op.cit., p. 104.

doctrine, but he regarded Pius' accusations against Herberstein as merely a pretext.[37] The Bohemian-Austrian Court Chancellery assured him that Herberstein's views were orthodox; they were taught in all the universities of the monarchy and in most of those abroad.[38] The real issue was: Who had the final word in the appointment of a bishop, the ruler or the pope? Joseph contended that papal confirmation was a mere formality: the pope should automatically confirm the man appointed by the government.

From Rome's point of view, there were good reasons for making this a test case. Herberstein was distinctly a persona non grata, an outspoken opponent of curial conceptions of papal jurisdiction in the Catholic church. Furthermore, in issuing his pastoral he had deliberately contradicted Garampi's written protest against the Emperor's ecclesiastical policies.[39] It was also known in 1785 that Herberstein suffered from a mortal sickness; Rome could safely refuse his confirmation until he retracted or died. This was an excellent opportunity to remind Joseph of the papacy's traditional view of its rights over the episcopacy.

For two years, the Pope continued to insist that the bishop's lengthy explanations were unsatisfactory. Joseph, on the other hand, would not permit a public retraction since he himself corrected the letters to Rome and believed that the bishop's conception of toleration was orthodox. Relations came perilously close to breaking: the Emperor

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[37] Ibid., p. 110.

[38] Report, May 23, 1782, AVA, Unterrichtsarchiv, Laibach.

[39] WKZ (1788), pp. 82-85. Garampi registered the Curia's disapproval of Joseph's ecclesiastical reforms in a note to Kaunitz, December 12, 1781. The Curia expected that the note would lead the bishops to hinder the reforms or at least not openly approve them.

approved a letter, drafted by Kaunitz, demanding that the Pope elevate Herberstein, or it would be done without papal confirmation. This was sent on October 4, 1787, to Rome, but as Herberstein died on October 7, the crisis passed.[40]

Throughout this conflict, Herberstein derived his principal argument for religious freedom from the traditional principle of Catholic moral theology that a man must follow the dictates of an upright conscience even when it is in error. In an explanation of the controverted passage, read carefully by Joseph himself and sent to Rome in May, 1786, Herberstein makes it clear that his phrase applies to persons of upright conscience, to those who make a "conscientious study" of the church they wish to join. Those who register as non-Catholics, we must assume, have made such an examination and are merely material heretics.[41]

He could have made his argument less objectionable from Rome's point of view, had he clearly explained that he had defended only civil toleration. The statement in the pastoral is ambiguous: it could mean that everyone's conscience is absolutely autonomous, free to accept or reject even divine revelation and the church's infallible judgments, and to resist the Holy Spirit. This is what Pius alluded to when he said Herberstein's phrase has in it the stain of heresy.[42] Or it could mean

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[40] Einspieler, op.cit., p. 127. Cf. WKZ (1788), pp. 82-87, 91-98, 254-66, 267-75, 327-37, for a contemporary account. The editor, Marc Anton Wittola, was a close friend of Herberstein.

[41] Einspieler, op.cit., p. 110.

[42] Maass, Josephinismus, II, 474. Maass reproduces the full text of Pius' letter of May 16, 1787, to Herberstein: pp. 472-88 concern toleration; pp. 489-512, the bishop's other topics.

that everyone's conscience is autonomous in the political order, that the ruler has no responsibility for it. This is what Herberstein seems to try to say. It is the conception which inspired the Edict and most enlightened Catholics in Austria.[43]

Pius' position is expressed in two propositions in his letter of May 16, 1787, to Herberstein. First, he virtually denies that a heretic can be in good faith. He acknowledges the distinction between a formal and material heretic: the latter's conscience is "upright though mistaken." He holds, however, with a long tradition that wherever the church preaches the Gospel an upright but mistaken conscience is impossible.

> Nor is one permitted to suspect it might sometimes happen that a heretic might reject without fault that light of truth offered to him by the church. . . .
> . . . . . .
> Even persons of limited intelligence would easily recognize their errors if they were only willing to listen [to the church] patiently, intently, and piously. 44

Herberstein and other enlightened Catholics, on the contrary, held that many, if not most non-Catholics, were not formal heretics. Preaching meant more than formally presenting the truth, as one might promulgate

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[43]For a modern Catholic statement of this position, cf. J.C. Murray, "The Governmental Repression of Heresy," Proceedings of the American Catholic Theological Society, 1949, pp. 26-98. Vatican II's Declaration of Religious Freedom defends only a person's civil right to determine his religion. Rooted in the dignity of human nature, this right does not depend on the rectitude of a man's conscience.

[44]Maass, op.cit., II, 477. An elaboration of the Pope's opinions is found in the anti-Josephinist tracts of the conservative French polemicist, Canon Jean Pey. See especially his La tolérance chrétienne opposée au tolérantisme philosophique (Fribourg et Malines, 1785), p. 52: "Faith teaches us . . . that it is only a voluntary blindness that keeps the heretics in error." For Pey's life and works, see J.F. Schulte, Geschichte der Quellen und Literatur des kanonischen Rechtes (Stuttgart, 1880), III, 654, and J. Carreyre, "Pey," D.T.C., XII, 1355-56.

a law. It had to convince the heart and mind, and in this respect Catholic preaching and polemic failed in many ways. Furthermore, the church needed reform in order that its divine authority should stand out clearly. Many Catholic practices, intolerance above all, turned the non-Catholic away from the church.

The second papal proposition condemns the tolerated confessions and approves the use of coercion against them. Pius reprobates Protestant churches in toto:

> Has any Catholic ever denied that any sect which dissents from the Catholic church is opposed to God? 45

Enlightened Catholics, in contrast, were inclined to find some goodness in Protestant churches.[46] Herberstein never disparages them. In his pastoral, he acknowledges that they produce good citizens and he refers to them simply as "other religions," not as "false religions."[47]

Pius goes on to assert that the ruler should use force against heretics. The Pope makes the customary distinction between infidels, who should not be compelled "ad fidem," and baptized persons,

> such as heretics and all apostates: such persons are to be compelled even with physical force to fulfill what they had promised and to keep what they had once received. 48

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[45] Maass, op.cit., II, 473.

[46] Cf. Posch, Kirchliche Aufklärung in Graz, pp. 102-3, for Franz Giftschutz, professor of pastoral theology at the University of Vienna, whose lectures in the 1780's exemplify this tendency.

[47] Herberstein, op.cit., p. 44.

[48] Maass, op.cit., II, 479. Pius is drawing upon Thomas Aquinas, Summa Theologica, II-II, 10, 11, 12. Cf. Eric D'Arcy, Conscience and its Right to Freedom (New York, 1961), Part 3, for a modern Thomist analysis of these texts. On p. 157, he writes: "Bluntly, there are two rights which St. Thomas would deny: the right of heretics

Physical violence is not, in his eyes, contrary to the charity which God commands us to show towards our enemies, and he quotes Augustine:

> not everyone who refrains [from administering a beating] is a friend; and not everyone who gives blows is an enemy. 49

Christ, after all, struck Saul from his horse on the way to Damascus, to prepare him for conversion. Merely to instruct and to persuade, said Augustine, is often ineffective, for evil men are not moved by gentleness.[50]

Herberstein, on the other hand, asserts in his explanation:

> It is the property of religion not to force but to persuade; for the Lord did not use force, he left the choice up to each will, as when he said, 'if anyone would follow me, let him' 51

The bishop is quoting St. Athanasius who thought that force in religious matters is inconsistent with the nature of the church. Herberstein, drawing on natural law, likewise repudiates physical coercion. Since men in forming society entrust the ruler only with the authority necessary for the common good, he should foster religion but not judge in matters of faith.[52] He has power to suppress heterodox opinions only in so far as they endanger the common good.

Pius agrees with Herberstein that the ruler should not set himself

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to life, and the right of all unbelievers to practice their own form of worship." Among the enlightened polemicists who attempted to cope with Aquinas is Benedikt Werkmeister, O.S.B., preacher at the court of Duke Karl Eugen in Stuttgart. Werkmeister's tract, Über die christliche Toleranz, ein Buch für Priester und Mönche (Frankfurt & Leipzig [Erlangen], 1784), condemns scholastic theologians and canonists for ascribing coercive power to the church and stirring up Catholics against the heretic as well as against his errors. Cf. pp. 101 ff. for his treatment of Aquinas.

[49] Maass, op.cit., II, 483. [50] Ibid., p. 486.

[51] Ibid., p. 479. [52] Herberstein, op.cit., p. 40.

up as judge over religious doctrine:

> It is true that in matters of faith and religion a monarch cannot assume the authority of judge. 53

Yet it is one of his chief duties as an obedient son of the church to support its judgments concerning faith and religion with all his physical power.

> But it does not at all follow that it is not his foremost duty, as an obedient son of the church to carry out with all his resources the decisions or judgments of the church in matters pertaining to faith or religion . . . 54

The Christian prince is the secular arm of the church. His full coercive power, to the degree necessary, is at the church's disposal.

In this confrontation of the Catholic Enlightenment with the Counter Reformation, Pius did not formally commit his supreme teaching authority. No disciplinary action was taken against Herberstein, and he was not charged with, much less convicted of, heresy. The papal letter of May 16, 1787, to Herberstein was a private, personal admonition, a part of the tactic of delay. Kaunitz correctly wondered, If the bishop were really a heretic, why did Rome allow him to remain a bishop? Vienna was wrong, however, in treating the Pope's criticism of Herberstein's pastoral as entirely irrelevant. From contemporary orthodox Catholic viewpoint, many of the bishop's expressions were misleading. Even Cardinal Herzan, Vienna's loyal representative to the Vatican, called Herberstein's writing "very obscure" and wished it were shorter and clearer.[55]

The third Austrian pastoral letter was brief and clear, and it

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[53] Maass, op.cit., II, 485. [54] Ibid.

[55] Einspieler, op.cit., p. 114.

justified Joseph's policy without thereby incurring papal wrath. It was written by Joseph von Auersperg, Bishop of Gurk, a tiny diocese in Inner Austria, suffragan to Salzburg. An enlightened prince as well as prelate, Auersperg later ruled the ecclesiastical principality of Passau.[56]

On February 20, 1782, Auersperg sent his pastoral letter, mostly a straightforward Latin instruction on how the Emperor's measures should be carried out, to the clergy of the diocese.[57] The bishop justifies the Edict as Christian in spirit and useful to the Catholic church. The Emperor's generosity might induce Protestant rulers to grant greater freedom to Catholics,

> . . . and all the more rapidly enter into the desired general reunion. [58]

Auersperg encourages the clergy to show kindness and esteem to non-Catholics and their pastors and to instill in the people "true devotion" and Christian brotherly love. This enlightened charity would attract non-Catholics away from their errors. Teachers of religion may occasionally criticize Protestant doctrines but without bitterness; polemical sermons are to cease. If Catholic priests officiate at baptisms, marriages, or burial services for Protestants, they are to omit specifically Catholic ceremonies.

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[56] For Auersperg's activity at Passau, from 1783 to 1795, see Martha Schmidt, "Die Aufklärung im Fürstbisthum Passau," Verhandlungen des Historischen Vereins von und für den Kreis Niederbayern, LXVII (1934), 1-146; LXVIII (1935), 147-239.

[57] Joseph von Auersperg, Hirtenbrief über die den augsburgischen und helvetischen Religionsverwandeten, dann den nichtunirten Griechen gestattete christliche Toleranz (Klagenfurt, 1782).

[58] Ibid., p. 7.

In comparison with Hay and Herberstein, Auersperg maintains a more even balance between traditional Catholicism and the Enlightenment.[59] On the one hand, he presents a clearly orthodox conception of the church. He twice applies the expression "only saving" (alleinseligmachende) to the Catholic church.[60] And he puts considerable stress on winning non-Catholics, whom he refers to as in error, to the Catholic religion. There is not a trace of religious indifference in the letter.

On the other hand, he deals with religious dissenters according to reasonable and humane principles. He firmly repudiates coercion: it produces only hypocrites. The clergy should rely instead on "true devotion," that is, prayer, active brotherly love, and enlightened religious instruction. He regards non-Catholics as sincere: they are "these erring brethren" and never "heretics."[61] He compares them with the Samaritans rather than with the Pharisees of the New Testament. Their reunion with the church demands of Catholics a reform of abuses in the cult of the saints and relics, indulgences, and the liturgy.

A consequence of the balanced, practical character of this letter was that Pius VI did not include Auersperg on his black list and consented to his translation in 1783 from Gurk to Passau. This gives some idea of where, from Rome's point of view, a permissible compromise between tradition and enlightenment was likely to be found.

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[59] For another example of this moderate Josephinist exhortation to tolerance, cf. Sonn- und Festtägliche Evangelien (Wien, 1782), pp. 13-19, by Joseph Gall, superintendent of schools in Lower Austria (1780-87) and Bishop of Linz (1788-1807).

[60] Auersperg, op.cit., pp. 5, 28.

[61] Ibid., p. 9.

III

Several Josephinist clerics in academic offices wrote tracts in defense of the Edict, which convey a distinctly heterodox view of religious liberty. Encouraged and protected by van Swieten, they attempted to lessen the doctrinal differences separating Christians, by casting doubt on the Catholic church's claim to be the sole way of salvation. Typical of the literature that they produced is the Treatise on Freedom of Conscience and Politico-Theological Toleration, by Johann Nepomuk Bartholotti.[62] This lengthy, loosely organized book is one of the few Josephinist attempts at a systematic analysis of religious toleration. Its author was a priest and a member of the Order of St. Paul, who taught in the theological faculty of the University of Vienna. As a censor of theological literature,[63] he campaigned with the Emperor's approval against superstition in popular devotional books. Joseph referred to his criticism of an orthodox pamphlet as "entirely correct and well-composed." Bartholotti successfully defended the tract, Für Toleranz, by Watteroth, from the archbishop's accusation that it systematically attacked the Christian religion.[64] He was, in sum, an enlightened cleric who made a positive contribution to the Enlightenment

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[62] Exercitatio politico-theologica, in qua de libertate conscientiae et de receptarum in Imp. Rom. Teuton. religionum tolerantia, cum theologica tum politica, nec non de Dis-unitorum statu Graecorum disputatur (Wien, 1782). All references are to the German translation, Politisch-theologische Abhandlung (Wien, 1783).

[63] Leaving the censorship in April, 1782, he served as university librarian in Prague and continued as examiner at the University of Vienna.

[64] Gnau, op.cit., pp. 115-16.

in Vienna.[65]

Bartholotti hastily composed the Treatise on Freedom of Conscience, drawing heavily from the juristic writing of Justus Böhmer, a North German Protestant, Pierre de Marca, a Gallican, and Joseph Riegger and Joseph Eybel. Directed to a clerical reading public, the work was well-received: it had two editions and a long and generally favorable review in the Realzeitung.[66] Another measure of its contemporary significance is the considerable resentment it earned for its author among the orthodox clergy. It is still valuable for the insight it gives into the mind of a radical representative of the Febronian minority in the clergy.[67]

Bartholotti's conception of toleration is an inconsistent mixture of the principles of natural reason and enlightened Catholic piety, and the practice of contemporary enlightened absolutism. Freedom of conscience, he writes, is an absolute natural law:

> no one can think, judge, believe, and acknowledge or seek God for another person. 68

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[65] J. Rautenstrauch, op.cit., p. 16, lists Bartholotti among the Aufklärer.

[66] RZ (1782), pp. 269-71, 273-78.

[67] Similar tracts by Josephinist clergy in defense of toleration include Werkmeister, op.cit., and Jakob Danzer, Josephs des Grossen Toleranz (s.l., 1784). Danzer, a Benedictine monk, was professor of moral and pastoral theology at the University of Salzburg, 1784-92. His book is representative of the enlightened clergy's preoccupation with the practical implications of doctrine.

[68] Bartholotti, op.cit., p. 63.

A person has a right to follow his conscience even if it seems erroneous to others.[69]

The enlightened clergy commonly derived respect for conscience, not only from natural law but also from the New Testament, the Fathers of the Church, and the practice of the early church. As the only truly Christian way of dealing with one's non-Catholic neighbor, Bartholotti cites the parable of the good Samaritan, the parable of the tares left to grow in the field with the wheat, and the example given by Christ at Jacob's well in dealing gently with the Samaritan woman, a heretic and a sinner in Jewish eyes. This New Testament imagery typifies the irenic character of enlightened Catholicism, which usually likened dissident Christians to the Samaritans or publicans, with whom Christ was gentle. The conservatives often compared them to the Pharisees whom Christ called a brood of vipers and whitened sepulchers.

Even if dissidents are in bad faith, Bartholotti asserts, the state should not coerce them. How can the wheat be distinguished from the tares; the innocent from the guilty? To attempt it, is to usurp the judgment seat of God.[70] Bartholotti criticizes Muratori, who in other respects was a leader of enlightened Catholic opinion, for teaching that obdurate heretics should be forced to attend to the truth.[71] God struck Saul to the ground to prepare him for conversion, Bartholotti admits, but he has prescribed gentler methods to his disciples. Besides, the "conversions" of persons forced to listen to sermons are, most often,

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[69] Ibid., p. 66. However, in purely civil matters, men are under the ruler's undivided, irresponsible authority. Bartholotti denies that an appeal to conscience can justify civil disobedience or tyrannicide. Ibid., p. 94.

[70] Ibid., p. 98. [71] Ibid., p. 185.

attempts to escape further annoyance. Intolerance, he writes, debases religion. It produces an external conformity

> by which men can easily be misled to believe that all outward divine worship is an empty thing, dependent only on the approval of the prince, . . . a mere invention and a bridle which rulers use to make subjects docile to their commands, when external power is lacking or insufficient. 72

Faith is a free gift from God and it cannot be forced on anyone. It requires a willing disposition in the recipient.[73]

In contrast to his unequivocal defense of freedom of conscience, Bartholotti tailors his analysis of freedom of religion more to the Josephinist practice than to natural law or Christian love. He holds that the ruler must respect the basic moral principles of a tolerated religion, such as the Jewish prohibition on eating pork. On the other hand, Bartholotti grants the ruler competence in all nonessentials of religion as well in making the distinction between what is essential and nonessential.

Non-Catholics, other than the tolerated, have a right to liberty of conscience but not to the practice of their religion. As a favor, the ruler might grant Socinians or Deists and other sects a limited freedom.[74] Common humanity ("do onto others . . . ") counsels this, if the sects are not harmful to the church and are useful to the state. Bartholotti, writing early in 1782, does not refer to Joseph's persecution of the sects. Well informed about religious conditions in Bohemia, however, he might have anticipated the government's quandary

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[72] Ibid., p. 81. [73] Ibid., p. 182.

[74] For this justification of tolerating sectarians, Bartholotti relies on Pufendorf, Thomasius, and Justus Böhmer.

in dealing with the Deists. The Treatise seems to argue for their toleration, for they were a peaceful and industrious people, and useful to the state.

The author follows John Locke and North German jurists, particularly Christian Wolff, in refusing to tolerate atheists. Atheism, Bartholotti writes, destroys a people's fear of God and their respect for the contract between themselves and the ruler. In attacking this passage, the Realzeitung stresses the nonreligious factors in character development and asserts that the state can safely ignore the atheist's "special" opinions if in other respects the man is a trustworthy person.[75] Bartholotti and other enlightened clerics, in a similar way, overlooked the "special" principles of Lutherans and Calvinists, such as the right of private judgment in religious matters and the denial of the value of good works, which seemed to conservatives dangerous to the state.[76] It is indicative of the relatively restrained character of Bartholotti's radicalism that he shared the common preconception of atheism as subversive.[77]

If Bartholotti is moderately enlightened, it is not so clear that he is fully Catholic or that he conceives toleration from an orthodox point of view. It seems that he regards the Roman Catholic, not as the only true religion but as one of the more or less adequate forms of Christianity. He never uses the phrase "the only saving church" which orthodox writers invariably prefixed to the Catholic church. While he

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[75] RZ (1782), p. 277. [76] Pey, op.cit., pp. 189-243.

[77] Cf. Ernst Wangermann, From Joseph II to the Jacobin Trials (London, 1959), pp. 145-47, for the government's suppression of atheism in Vienna in 1794. Few though they were, the atheists caused the authorities to fear the rise of Jacobinism.

distinguishes Christianity from pagan and other false religions, he puts the major Christian churches indiscriminately on the same level. Moreover, he does not acknowledge the infallibility of the Catholic church in the interpretation of Scripture. When there is doubt about the meaning of the Bible, teachers from every Christian religion are to be consulted, to preserve the unity of Christian doctrine.

Nowhere does he point out that there are essential differences between Catholicism and the two chief Protestant confessions; he states that Protestants differ from Catholics only in the manner of worship and in a few articles of faith.[78] The Lutherans and Calvinists teach holy doctrines, he writes, and the Reformation did a great service to Catholics as well as to Protestants by saving Christianity from superstition and ignorance.[79] Since he equates holiness with the kind of natural moral rectitude that he observed in Protestants, he rejects the Catholic doctrine that "outside the church there is no salvation." He repudiates this teaching not only as false but also as a major source of intolerance.[80]

Bartholotti's conception of religious dissent exemplifies this non-sectarian Christianity. He discards the traditional Catholic

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[78]Bartholotti, op.cit., p. 202.

[79]Ibid., p. 252. Many enlightened Catholics shared Bartholotti's opinion: e.g. Matthias Dannenmayer, professor of ecclesiastical history at Freiburg i.B. and at Vienna, whose Institutiones historiae ecclesiasticae Novi Testamenti (Wien, 1788), became a required textbook, in 1788, for all the universities of the monarchy. In Vol. II, p. 196, he presents Luther as "a man, praised for his doctrine, erudition, and patient labor." See also Kaspar Royko, of the University of Prague, whose history of the Council of Constance is an apology for John Hus.

[80]Bartholotti, op.cit., p. 102.

definition of a heretic as a Christian who consciously deceives others about a revealed doctrine. With Salvianus, a representative of Christianity's Golden Age, Bartholotti assumes a good intention in the hearts of those who err. He, therefore, uses the word, "heterodox," rather than "heretic." In the treatise, "heterodox" has two meanings. In a theological sense, Christians are heterodox who do not believe an essential article of faith, that is, one found in all traditional Christian creeds. They are heterodox in a juridical sense if they refuse to accept the confession of faith of a particular state.[81] A Protestant is heterodox in a Catholic state and vice versa. The first definition betrays Bartholotti's tendency to place all major Christian churches on the same level. The second, or juridical, definition is typical of the proneness of Josephinism to politicize the function of religion.

It is natural that Bartholotti, believing that only ignorance and superstition divided Christians, shows a sympathetic interest in Christian reunion; it is one of the benefits he expects from the Emperor's legislation on toleration. But, Bartholotti's idea of Christian unity is as ambiguous as his conception of the church. At times, like an orthodox Catholic, he holds that Christian unity can be restored only by the return of the heretics to communion with the See of Rome. He is orthodox, for example, when he writes that the ruler should gently lead the erring back to the way of truth, and that Catholics should set a good example and practice active charity to win over the erring.[82] And he argues, in one place, for toleration because it admits non-Catholics into society with Catholics where they

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[81] Ibid., pp. 23, 28.

[82] Ibid., pp. 207-8.

can be more easily converted.[83] Beneath these statements lies the assumption that Christian unity means a return to the Roman church.

More often, however, Bartholotti deviates from orthodoxy. He seems to believe that the major Christian churches are separated merely by the inventions of theological reasoning. Reunion can be achieved by compromise, each church giving up nonessentials. He implies that Protestants need not repudiate their fundamental beliefs nor their corporate heritage. The Catholic church, on the other hand, must reform herself and eliminate superstition among the faithful.[84] Restricting papal prerogatives in ecclesiastical discipline and in doctrinal teaching, she must return to the principles of the early Christian church.[85] Bartholotti is typical of enlightened Catholics in regarding reform of the church as a necessary step to restoring Christian unity.[86]

To most contemporary Catholics, this treatise was unconvincing. They were scandalized by its typically Josephinist subordination of the church to the state, by its equivocal treatment of Catholic doctrines about the church, and by its conclusion that the Catholic ruler did not have a paternal duty to use his full power against heretics. On the other hand, to the secularistic Aufklärer, the book

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[83] Ibid., pp. 194-95. [84] Ibid., p. 254.

[85] Ibid., pp. 408-11. Bartholotti cites the seventeenth-century Gallican theologian, Pierre de Marca, against the curialist theory of papal authority.

[86] Gerbert, abbot of St. Blasien, and Alois Merz, the polemical preacher of Augsburg, advocated reform of certain abuses, but never as a prerequisite to reunion. They could not risk casting doubt on the inerrancy and holiness of the church. Cf. Müller (ed.), Martin Gerbert, II, 484.

was only questionably enlightened. Stressing religious reunion and drawing support from the Bible, it seemed a sweetened, modernized, but still sectarian attempt to bring the Protestants back to Catholic unity.[87] The truth is that Bartholotti's treatise is an unstable synthesis of natural law philosophy, Christian principles, and reason of state, similar to Joseph's own policy toward religious dissenters.

IV

Enlightenment among Catholics was mainly, but not exclusively, propounded by clerics. The Viennese playwright, Paul Weidmann, attempted to assimilate the ideal of religious liberty while maintaining many traditional Catholic attitudes. He shared the common conviction of Josephinists that religious persecution and its principle source, religious fanaticism, are evil. But, unlike Bartholotti and other radicals, he did not give up the traditional Catholic antipathy to Protestantism.

During Joseph's reign, Weidmann was one of the more important playwrights contributing to the Vienna stage.[88] He wrote a wide variety of works - comedies, historical dramas, political satires, and a version

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[87] Allg. Deut. Bibliothek, LXI (1785), 250-51.

[88] Rudolf Payer von Thurn, "Paul Weidmann, der Wiener Faustdichter des XVIII. Jahrhunderts," Jahrbuch der Grillparzer Gesellschaft, XIII (1903), 1-74, is the chief authority on Weidmann. Joseph Nadler remarks, "This man is of unusual importance for Viennese literature from the Baroque theater to Grillparzer," in Literaturgeschichte des deutschen Volkes (4th ed.; Berlin, 1938), II, 470. Lenore Schram grants that Weidmann was not a great poet but points out that he embodied in his work everything that characterized the Viennese stage at that time: "the traditional heritage and the new ideas." From "Das Bühnenwerk Paul Weidmanns" (unpublished Ph.D. dissertation, University of Vienna, 1943), p. 5.

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of Faust. Among his comedies, Der Bettelstudent, 1776, a popular favorite, was shown frequently throughout the German world. Joseph II appreciated Weidmann's talent and took personal interest in his libretto for Die Bergknappen, 1778, the first operetta written for the Burgtheater.

Weidmann was a retiring, bookish person. Although from a poor family, he received a good, humanistic education at the Jesuit gymnasium in Vienna. He later studied political science for a time under Sonnenfels. Well read in classic and modern authors, he shows particularly a strong literary dependence in his earliest plays on Voltaire.[89] Weidmann's closest associate was his brother, Joseph, an able actor as well as playwright at the Burgtheater. Otherwise, Weidmann worked outside contemporary Viennese literary circles. He was not a mason, and he did not frequent literary salons or coffee houses.[90] At the Bohemian-Austrian Court Chancellery, where he had a minor post, he came into contact with Sonnenfels, Johann Alxinger, Joseph Ratschky, and von Gebler. But this did not lead to closer acquaintance.

Within the limits imposed by the censor, Weidmann demonstrated a strong commitment to enlightened ideals. Weidmann admired Joseph II and in several plays advertised his reforms. Like the Emperor, Weidmann accepted class differences, but he stressed the moral qualities and practical achievements of a person rather than his birth. His heroes, whatever their social class, are industrious and conscientious about

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[89]Weidmann patterned Mostadhem oder der Fanatismus (1772), after Voltaire's Mahomet ou le Fanatisme, and Pizarro oder die Amerikaner (1772), after Alzire ou les Américains.

[90]Payer von Thurn, op.cit., p. 19.

their duties, and free from bigotry and superstition.[91] While Weidmann endorsed enlightened, absolute monarchy, he was keenly sensitive to the abuse of power by government officials.[92] Among the reforms which he defends are the abolition of torture, a more natural and humane education of children, civil equality among citizens, and the dedication of the country's resources to peaceful development rather than war.[93]

In his religious outlook Weidmann was a strict Catholic.[94] "Catholicism," he writes, "is the only religion which cultivates in us a pious, humane, and noble spirit, proof that it is the work of God, not man."[95] His two plays treating the clergy, Der Pfarrerkrieg and Die Nonnenschlact, are inoffensive comedies. All his serious plays rest on a foundation of Catholic faith. But in religion, also, Weidmann shows a humane and enlightened outlook. He frequently draws the figure

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[91]E.g. Fernando, Pizarro's brother, in Pizarro; Schwerthau, the tutor in Die Erziehung (1775); the nobleman, St. Omer, in Die schöne Wienerin (1776). Characteristic is St. Omer's description of himself (V, 8): "You see here a natural man without much ceremonial, who can assure you that the world loses nothing when it casts away prejudices and begins for once to reflect that the gentle bond of nature unites all men, that the great disparity of the classes do not make us happier, and that . . . the least of the rabble is a man and our brother." Quoted from Schram, op.cit., p. 123.

[92]See especially, Der Missbrauch der Gewalt (1778). This play was suppressed after the first performance.

[93]Die Folter oder der menschliche Richter (1773) condemns the use of torture; Die Erziehung (1775) advocates enlightened methods of education; Der Landphilosoph oder die natürliche Weltweisheit (1778) stresses the natural equality of men; Der Eulenspiegel (1781) ridicules war.

[94]J.W. Nagl, Deutsch-österreichische Literaturgeschichte (Wien, 1914), II, 340.

[95]Prologue to Karlssieg. Quoted from Schram, op.cit., p. 133.

of an enlightened Christian, in contrast to harsh, violent fanatics and bigots.[96] Consistently, he condemns the use of force against heretics or pagans. He repudiates the Reformation as much for its fanaticism as for its false interpretation of Christianity.

In the introduction to the epic poem, Karlssieg, 1774, which depicts Charles V in conflict with the Lutheran princes, Weidmann describes the church on the eve of the Reformation as peaceful and united under the Roman pontiff. Luther, who acts out of passion rather than religious conviction, brings on an era of religious warfare.

> The church is peaceful and united. The pontiff rules peacefully his docile flock. Suddenly an unknown monk is insulted. He decides upon revenge. . . . 97

Luther is clever rather than sincere in his preaching, and he gives plausibility to his novel opinions by constantly talking about the primitive church and the Bible.

> He knows how to give his cause a brilliant touch, in that he promises to refer back everything to the time of the Apostles, and always has the words of Holy Scripture in his mouth. 98

Weidmann describes in equally dark colors the course of the Reformation.

> Heresy rushes through the world with drunken enthusiasm; . . . a frenzied mob led by folly

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[96]The tutor, Schwerthau, in Die Erziehung, successfully counteracts the influence of the children's bigotted aunt. Cf. also Charles V in Karlssieg, and Stephan Fädinger from the play of the same name.

[97]Payer von Thurn, op.cit., p. 46.

[98]Ibid.

> runs after him. They destroy the temple, tear down the altars, they break pictures and statues, plunder the monasteries, slaughter the priests. 99

Harshly as he judges Luther and the Reformation, he just as firmly believes that religious persecution is foolish and wrong. Once implanted in men's minds, heresy cannot be torn out by force and must be tolerated. In Karlssieg, Weidmann has the Emperor, after defeating the Protestants in the Schmalkaldic War, seek to reconcile the vanquished. Charles proclaims an edict of toleration:

> Go in peace, enjoy the rights of the freest citizen, attend to doctrine in peaceable assemblies; do not tear apart the bonds which wise nature has so excellently tied. Brothers, love one another, do not persecute one another over differences of opinion. Honor the Almighty God according to your customs; go back to peaceful cities. . . . Oh, how happy I would be, if I could reunite my Germany. 100

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[99] Nagl, op.cit., II, 338. Among the enlightened Catholics who shared Weidmann's outlook on the Reformation is Michael Ignaz Schmidt, Director of the Haus- und Staatsarchiv. Cf. his Geschichte der Teutschen (Ulm, 1783), VI, which acknowledged the reformers' talents but condemned their defiance of ecclesiastical authority and the subsequent schism. Sashegyi, op.cit., p. 39, erroneously identifies Schmidt as a Protestant. In fact, he was a Catholic priest. For Josephinist historiography, cf. Eugen Säger, Die Vertretung der Kirchengeschichte in Freiburg; A. Berney, "Mich. Ign. Schmidt: Ein Beitrag zur Geschichte der deutschen Historiographie im Zeitalter der Aufklärung," Historisches Jahrbuch der Görresgesellschaft, XLIV (1924), 211-39; Karl Völker, Die Kirchengeschichtsschreibung der Aufklärung (Tübingen, 1921), pp. 61-78.

[100] Nagl, op.cit., p. 340. In this epic, Weidmann is indebted to Voltaire, as well as to Virgil, Milton, and Klopstock. In particular, Karlssieg resembles Voltaire's Henriade in the "politique" basis of the religious peace. The differences, however, are illustrative of Weidmann's Christian, of Voltaire's secularistic point of view: Charles V, unlike Henri IV, is a genuinely religious, enlightened Catholic monarch. Moreover, in Karlssieg only Luther and some of the Protestants appear fanatic; in the Henriade, Voltaire condemns the intolerance of Catholics as well as Calvinists. Finally, there is nothing in Voltaire's epic resembling Karlssieg's edict of toleration.

The above, and several other parts of the poem, allude to Joseph II.[101] Charles V is the model of a future, great monarch who would unite separated brothers.

In 1781, the Emperor's concessions to non-Catholics prompted Weidmann to turn again to the theme of religious liberty, in the historical drama, Stephan Fädinger, oder der Bauernkrieg.[102] In this account of the Austrian peasant revolt of 1626, Fädinger becomes a tragic hero, patterned remotely after Goethe's Götz von Berlichingen, who reluctantly leads the peasants and dies in the siege of Linz, 1626. This is the best of Weidmann's serious plays. Both moving and timely, it was well-received in Vienna and Prague.

The play is representative of Weidmann's mature thinking about the Enlightenment. In contrast to Goethe, Weidmann expresses strong compassion for the peasants. And, while condemning the rebellion, he does not spare the nobility whose oppression provoked it. Weidmann also differs from Goethe in placing religious freedom prominently among the themes of the drama. In Götz von Berlichingen, the peasants list no religious grievances and cannot be identified as sectarians. Götz himself shows no interest in religion; he is motivated throughout only by his idea of honor and his desire for personal liberty. In Stephan Fädinger, on the other hand, the peasants are clearly Protestants fighting for religious liberty. When dying, Fädinger reiterates

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101 Ibid., p. 338.

102 Cf. Schram, op.cit., pp. 134-36; Payer von Thurn, op.cit., pp. 44-46. For the literary history of Fädinger, from the seventeenth to the twentieth century, cf. Rudolf Kohl, "Stephan Fädinger in der deutschen Literatur," (unpublished Ph.D. dissertation, University of Vienna, 1913); and Friedrich Holzinger, "Der oberösterreichische Bauernkrieg in der Dichtung," (unpublished Ph.D. dissertation, University of Vienna, 1933).

that religious liberty is a necessary condition for making peace with the Emperor.

In this play Weidmann's sympathy embraces the peasants but not their errors. He condemns, without qualification, any revolt against legitimate authority; the oppressed have no recourse but to appeal to the Emperor or to God. Nor does he present Protestantism in a good light. Its representative, Pastor Dollinger, is a hypocrite, a coward, and an intriguer. And Fädinger, on his death bed, gives unmistakeable signs of doubting the Protestant religion.

> In religion, do not believe every fanatic, they strain at a gnat and swallow a camel. Our forefathers were honorable men and perhaps better Christians. Now, new teachers continually rise up among you, who with a book in their hand want to rule the world. Beware of these dangerous people. 103

The Catholicism which Weidmann represents as morally superior is not the Catholicism of the seventeenth but of the late eighteenth century. The emperor who grants religious liberty, from a position of strength and as a matter of principle, is Joseph II, not Ferdinand II who would have rather seen his lands a desert than populated by Protestants. This dramatic version of Stephan Fädinger, in contrast to the historical reality, is further proof that Catholicism can take on quite different historical forms, some of which are compatible with religious liberty.

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103 Paul Weidmann, Stephan Fädinger oder der Bauernkrieg (Wien, 1781), Act V, Scene 10.

CHAPTER V

TOLERATION AND THE JANSENISTS

A distinctive group among the enlightened Catholics justifying religious toleration in Austria were the Jansenists. In the seventeenth century they had been intolerant of Christians outside the Catholic church. Contact with the Enlightenment, however, changed their attitude. By the late eighteenth century, at least in Austria, Jansenists were not easily distinguished from other enlightened Catholics. On the one hand, since doctrinal issues no longer agitated the public, the traditional Jansenist propositions concerning grace, salvation, and the sacraments were brought out only infrequently, as in 1786, at the Synod of Pistoia. Ordinarily, a Jansenist might reveal his theological preconceptions in condemning the papal bull, Unigenitus, and vigorously denying that a heresy of Jansenism had ever existed.[1] On the other hand, the practical ideals of the Jansenists, such as a more inward, evangelical piety, were shared in some measure by almost all reform-minded Catholics. Indeed, the term, "Jansenist," is sometimes used in a broad sense to include them all.[2]

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[1] See Marc Anton Wittola's article on the Church of Utrecht, in Neueste Beiträge (May, 1790), 2. Heft, for the typical argument that the heresy of Jansenism was fabricated by the Jesuits to discredit the opponents of curialism and casuistry in the church.

[2] See A.C. Jemolo, Il giansenismo in Italia prima della Rivoluzione (Bari, 1926), p. 111, who places Muratori among the Jansenists. Cf. also, pp. 170-71, 185.

Like other enlightened Catholics, Jansenists in Austria were enthusiastic Erastians. Since they could not hope to achieve their aims at the existing centers of ecclesiastical authority, they were inclined to resort to the monarch.[3] An alliance with the throne was all the more necessary in that theirs was not a popular movement. The great majority of the laity and lower clergy continued to adhere to traditional Catholicism.

In several respects, however, the Jansenists in Austria differed from other enlightened Catholics. They attributed primary importance to the primitive church as a model for reform in worship, pious practices, and church government. They were disinclined to read North German Protestant jurists and historians, preferring instead the works of van Espen, de Marca, Opstraet, Fleury, and Ricci. Jansenists kept a firmer hold on traditional Christian doctrines concerning the infallibility of the church and the fallen nature of man; and they more decidedly rejected free thinking than did most enlightened Catholics. Finally, the Jansenists were concerned principally with the problem of dissent <u>within</u> the church and devoted themselves particularly to bringing the schismatic Jansenist Church of Utrecht into communion with the Roman Catholic church.[4] Although they did not share the Febronian

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[3] Cf. Jemolo, <u>op.cit.</u>, p. 92, who argues that extrinsic circumstances made the Jansenist movement in eighteenth-century Europe antipapal and allied it with Gallicanism, so essentially alien to it in spirit. He also shows (p. 264) that the regalism of Austrian Jansenists led them to adopt an enlightened socio-political outlook, i.e. an interest in public education and modern care for the poor.

[4] Most Jansenists remained within the church; only the small Church of Utrecht had gone into schism early in the eighteenth century. In 1780, it consisted of some 4,000 members under two bishops and an archbishop. Hopes of reunion rose high during the pontificate of Clement XIV when Austrian Jansenists assisted Utrecht's special emissary to Rome, Count

preoccupation with religious unity in Germany, many Jansenists realized that their arguments justified the toleration of Protestants as well as Dutch Jansenists. One who failed to see this was Bishop Spaur of Brixen, who issued a remonstrance against the Edict of Toleration.[5]

Jansenism was not indigenous to Austria; it came from France, the Low Countries, and Italy in the second half of the eighteenth century.[6] Never numerous, the Jansenists occupied key posts in the church, school administration, and censorship. During Maria Theresia's reign, they were also prominent at the court. Gerhard van Swieten, physician to the imperial family, belonged to the Church of Utrecht, and through him several of the Empress' children received Jansenist confessors.[7] Maria Theresia's own confessor, from 1767 to her death, was a Jansenist, Ignaz Müller, Provost of St. Dorothea. The Sunday evening circle at his home brought together many clerics, writers, and government officials

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Dupac de Bellegarde. See F. Kenninck, "Correspondance du Dr. Wittola avec le Comte Dupac de Bellegarde," Revue Internationale de Théologie (1898), pp. 323 ff. for the attempts of Bishop Spaur of Seckau, in 1772, to unite all the bishops suffragan to Salzburg in support of Utrecht. According to E. Préclin, "L'influence du jansénisme français à l'étranger," Revue Historique, CLXXXII (1938), p. 40, Joseph did not like the Jansenists and did nothing to help the Church of Utrecht. But C.A. Vianello, "L'opinione personale de Giuseppe II in materia di giansenismo," Archivio Storico Lombardo, LXI (1935), 671-73, shows that Joseph was pleased with the Jansenists at Pavia and showed sympathetic understanding toward their efforts on behalf of Utrecht.

[5] As Bishop of Seckau, in 1773, Spaur persecuted Protestants in Styria. Cf. Posch, Aufklärung in Graz, p. 37. For Spaur's remonstrance, February 2, 1782, see J. Hofer, op.cit., pp. 507-8. Cf. also Wittola to Bellegarde, February 5, 1783, Kenninck, loc.cit. (1898), p. 595.

[6] For Jansenism in the German-speaking countries, see Deinhardt, Der Jansenismus in deutschen Landen (München, 1929).

[7] Winter, Josephinismus, p. 48. Maximilian's confessor was Franz Ruschitzka; Marie Antoinette's, Abbé Jean de Terme; Caroline's, Abbé Guertler.

active particularly in religious reforms.[8] Among the Jansenists were two close friends of Müller, Bishop Simon Stock, the Director of the Theological Faculty of Vienna (1759-72), and Abbot Rautenstrauch, his successor.

During Joseph's reign, Jansenists continued to exert significant influence in the church and schools because the Emperor considered them willing and loyal servants. But none of them was as close to him as Gerhard van Swieten and Ignaz Müller had been to his mother. Joseph surrounded himself with more secular-minded persons like Gerhard's son, Gottfried. Outside Vienna, Jansenists were particularly active in Austrian Lombardy, where they took part in a renaissance of Italian culture. Their intellectual center was the University of Pavia, extensively improved by Maria Theresia and Joseph II. Its faculty of theology played an important part in the Emperor's radical reform of clerical education. In 1783, he made it responsible for educating the future hierarchy at the new general seminary to which he transferred all the Austrian students at the German College in Rome.

II

That same year, Pietro Tamburini, one of the professors of theology at Pavia, published an authoritative Jansenist defense of toleration, De tolerantia ecclesiastica et civili, especially devoted to the Church

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[8] Ibid., p. 47. Among the distinguished visitors who took part was Friedrich Nicolai. See Reise durch Deutschland, III, 359-61, for his favorable impression of Müller and his circle.

of Utrecht.[9] Indicative of its contemporary influence are two Latin editions, 1783 and 1784, an Italian edition in 1785, and a French edition in 1796.[10] In Vienna, the Jansenist Wiener Kirchenzeitung published a long, favorable summary.[11] The treatise provoked a chain of controversy. It inspired two students, Kollweg at the University of Vienna, in August, 1784, and Rottenstaeder at Pavia, in July, 1786, to defend the Catholic orthodoxy of the Church of Utrecht.[12] In Milan and Florence the treatise was favorably received, but in Rome the curial-minded Giornale di Roma heaped abuse upon it. Cardinal Mamachi, Master of the Sacred Palace, ordered it confiscated in the Papal States.[13]

Tamburini, the chief apologist of Italian Jansenism, was at

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[9] T. Trautmannsdorf [P. Tamburini], De tolerantia ecclesiastica et civili (Ticini, 1783). My references are to the French translation, De la tolérance ecclésiastique et civile (Paris, 1796). Count Thaddeus Trautmannsdorf was one of Tamburini's students. In January, 1795, Pius VI withheld confirmation of Trautmannsdorf's nomination as Hay's successor at Königgrätz until he assured the Pope that he had only paid the cost of publication. Trautmannsdorf ended a distinguished ecclesiastical career as Cardinal Archbishop of Olmütz. Cf. Brunner, Theologische Dienerschaft, pp. 273-76, 277-78; G. Melzi, Dizionario di opere anonime e pseudonime di scrittori italiani (Milano, 1859), III, 167; and Wurzbach, op.cit., XLVII, 84-85.

[10] There is also a handwritten synopsis in German, dated 1790, among the papers of Count Karl Zinzendorf, in H.H. u. Staatsarchiv, Nachlass Zinzendorf, Bd. 146a, pp. 212-35.

[11] WKZ (1784), pp. 89-92, 98-100, 153-54, 391-92.

[12] For Kollweg and his opponents at the University of Vienna, see Nicolai, Reise durch Deutschland, V, 158-59. For Rottenstaeder, see P.C. Cannarozzi, "L'adesio dei giansenisti italiani all'chiesa scismatica di Utrecht," Archivio Storico Italiano, II (1942), 44.

[13] WKZ (1784), pp. 153-54.

the peak of his influence during the 1780's.[14] The Emperor read De tolerantia and conversed with him about it during a visit to Pavia, 1783. On this occasion, and on several other trips to Lombardy, Joseph publicly honored Tamburini and his colleagues, referring to them as "truly talented men."[15] Joseph appreciated Tamburini's writing and seemed pleased with the training being given in Pavia, but he did nothing for the Utrecht church.

Interest in religious toleration came gradually to Tamburini through personal experience of persecution. While teaching in the seminary in Brescia, he was attacked by orthodox theologians for expressing Jansenist principles. The Roman Curia, suppressing his anti-Molinist treatise on grace, drove him from his post. Under the patronage of Cardinal Marefoschi he became Rector of the Irish College in Rome. His regime was relatively liberal. Adopting the rule of St. Augustine, "liberty in doubtful matters" (in dubiis libertas), he introduced freedom of discussion and a "reasonable obedience" among the students.[16] While in Rome he began to defend the Utrecht church.[17] In 1778, he came to Pavia where he was teaching moral theology when Joseph issued the Edict of Toleration.

Tamburini took the opportunity offered by the Edict to argue, not so much for the Emperor's civil toleration as for freedom within the church. The treatise concerns itself specifically with the right of

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[14] On Tamburini, see Jemolo, op.cit., pp. 268-332.

[15] Ibid., p. 281, and Vianello, op.cit., p. 672.

[16] Jemolo, op.cit., p. 227.

[17] Ibid., p. 278.

dissenters to receive the sacraments.[18] Tamburini first refutes several false conceptions of ecclesiastical toleration. Against indifferentists, he argues that it is logically absurd and blasphemous to assert that all religions are equally pleasing to God and salutary for man. He likewise condemns the view of Grotius, Jurieu, and Turretin that diversity of belief ought to be allowed in secondary doctrines and unity maintained only in the fundamental truths. What God reveals, Tamburini argues, cannot be classified into fundamental and secondary, deniable and undeniable, it must all be accepted at least implicitly. Their error originates in a false conception of the church as a kind of confederation of sects without central authority or a common law. This view, he argues, is contrary to the spirit and constitution of Christ's church which must have one soul, one heart, and one spirit. The early church excommunicated not only those, like Arius, who denied major truths, but also those, like Novatian, who denied the so-called secondary truths. In any case, it is impossible for Protestants to agree upon what is fundamental and what is secondary.

The doctrinal firmness of Tamburini contrasts strongly with the vagueness and ambiguity of many other enlightened Catholics. His writing does not exhibit the tacit indifference to disputed dogmas, or the moralism, which underlies much of the Josephinist criticism of polemical sermons.

After affirming the integrity of Christian doctrine, Tamburini examines the church's policy towards those who err. Even when a dogma is questioned, the church's invariable practice is to tolerate its

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[18] Tamburini, op.cit., p. 5.

erring members until a general council of the church renders a unanimous decision. Especially in the early centuries, he writes, the church often refrained from pronouncing a definitive sentence in controversies. The church assumes that the erring members are in good faith and hopes that new light may come out of the discussion. The church also realizes that since error arouses human passions, a precipitate condemnation might lead to schism. This should be avoided at all costs, because with time and patience tempers cool and novelty vanishes. Then the disputed questions can be judged by the church united in a spirit of concord.

Tamburini draws this lesson from a lengthy consideration of classic disputes, for example the Great Schism of the West in the late fourteenth century. Even though the opposing parties, at Rome and Avignon, excommunicated each other, they remained in fact united, because the unanimous judgment of the universal church was lacking, which alone can separate a member from the body. Tamburini asserts that this is the case in Rome's quarrel with the Church of Utrecht, and he implicitly concludes that the Church of Utrecht is not truly schismatic.[19]

If schism occurs, writes Tamburini, whether the separation be forced or voluntary, the erring persons must be treated according to the law of charity. To avoid the contagion of error, the faithful may be kept from contact with them, but only to the extent allowed by civility and Christian love. Tamburini contrasts the solicitude, the conciliatory spirit of the church in her "golden age," with the harsh,

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[19] Ibid., pp. 81 ff.

self-interested policy of the Roman See toward the Church of Utrecht, which, he says, is persecuted not on an issue of faith but of church government.[20]

Up to this point, the treatise has dealt with problems of special interest to Jansenists. It next raises the question of more general significance, Can corporal punishment be inflicted upon heretics or enemies of the faith? It is Tamburini's belief that the church has the right to impose only spiritual punishment, at most excommunication, on its own members.[21] It cannot command the ruler to inflict corporal punishment on its behalf. He argues from the nature of religion that the act of faith must be free; it is meaningless unless it is the free acceptance of a divine grace bestowed by God according to the designs of his providence. The "weapons" at the church's disposal are good example, the preaching of true doctrine, and the miracles by which God supports its authority. Tamburini also borrows from Grotius and Barbeyrac the argument that use of force violates the natural freedom of human intellect and will.[22]

Traditionalist theologians did not deny these contentions about the nature of faith and man's rational faculties. They argued, nevertheless, that heretics should be forced to listen to the Gospel. If they still rejected the light that God offered them, they should be punished as contumacious and be prevented from scandalizing the faithful.[23]

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[20] Ibid., p. 80. [21] Ibid., Chap. x.

[22] Ibid.

[23] Ibid. Cf. Pey, La tolérance chrétienne, p. 14.

126

This error, according to Tamburini, arises from a conception of church and state as one sacred society, like the Jewish theocracy of the Old Testament and the medieval Respublica Christiana.[24] In such a society, heresy, rebellion against the church, is at the same time rebellion against the state. In contrast, Tamburini follows early modern natural law in making a radical distinction between the temporal and the spiritual orders, assigning the external aspect of religion to the state and the internal (sacraments and doctrine) to the church. Coercive power belongs only to civil society and should be used only in its interest. The church itself benefits indirectly in that the state supports its works which have social utility and protects its property, ministers, and honor. Heresy and apostasy are purely religious actions and should not affect a person's civil status.[25]

Scripture and early Christian tradition, asserts Tamburini, also teach this restricted view of coercive power. Neither Christ nor his apostles persecuted the persons who rejected their message; nor did the church, during the first three centuries, ever resort to violence. This noncoercive spirit, Tamburini argues, is based on principle, not on expediency. He refutes the claim that the church always possessed the right to use constraint but could not exercise it until the conversion of the Roman Emperor. This theory, he explains, obscures the divine origin of the church and contradicts a most telling argument often used by the Fathers, that the church must be divine because it was established by charity, patience, and persuasion and not by force or wealth. Furthermore, it leads to the absurd notion that Christ meant his disciples to

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[24] Tamburini, op.cit., Chap. x. [25] Ibid., Chap. xv.

turn the other cheek until they had the power to strike back.[26]

While the testimony of the Fathers generally supports an enlightened Christian idea of toleration, Augustine's views present a serious problem. For during the bitter controversy with the Donatists, he abandoned his earlier opposition to the use of coercion and approved the imperial legislation against them. However, Tamburini argues, he did not thereby approve religious coercion in principle. Tamburini points out that Augustine's illiberal expressions should not be universalized, for he had only a particular event in mind. And second, the Emperor's coercion was primarily aimed at curbing the violence of the Donatists; their conversion was a side-effect which of itself did not justify the use of force.[27] The witness of the early church, therefore, is a clear condemnation of persecution. Nevertheless, some ecclesiastical authorities, losing sight of this evangelical principle, unsheathed the sword against heretics. Tamburini concludes the major part of his treatise with a condemnation of the Inquisition.

The last three chapters, on the duties of the Christian ruler, justify the Emperor's civil toleration of religious dissenters. Tamburini reasons that the advent of Christianity has not substantially altered the natural order of society; the prince still has authority over religious activity affecting the state. In a Christian country, it is true, he cannot determine doctrine or interfere in the administration

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[26] Ibid., p. 96.

[27] Ibid., p. 113. It is indicative of the difference between Jansenists and other enlightened Catholics that the latter did not balk at acknowledging serious errors in the teachings of Augustine. Cf. Bartholotti, op.cit., pp. 160-80, where Augustine is accused of approving, out of self-interest, the forcible suppression of heresy.

of the sacraments, but he is responsible for the external discipline of the church. It does not follow that the Christian prince must use his "sword" to prevent subjects from being led into heresy. Granted, asserts Tamburini, that a Christian prince must concern himself with the religious welfare of his subjects. He should carry out his responsibility, however, in the manner prescribed by the law of nature and the spirit of Christianity, with education, reform of ecclesiastical discipline, and other measures consistent with true religion. The Christian prince should not treat heresy as a crime against civil law, unless it threatens public security, undermines the social virtues, or injures the rights of sovereign majesty. Atheism, on the other hand, is that kind of error which is contrary to nature and should be suppressed.[28]

This treatise marks Tamburini as a moderate, enlightened Catholic as well as a Jansenist. He shared the conviction of Bishop Hay that the very nature of Christianity excludes coercion as a means of defending the Gospel. As a Jansenist, he was induced to apply this principle first of all to his co-religionists at Utrecht, but he consistently extended it as well to other religious dissenters.

III

In Vienna, another Jansenist, Marc Anton Wittola, ably defended the enlightened cause in several tracts, in his Wiener Kirchenzeitung (1784-89), and its successor, Neueste Beiträge zur Religionslehre und Kirchengeschichte (1790-92).[29] He was the busiest and most enterprising agent

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[28] See ibid., Chap. xv, Par. iii, vi, for Tamburini's conventional views on the subversive character of atheism.

[29] The former appeared weekly, the latter six times a year. Both were

of the enlightened party in Vienna, and his journal was the chief organ of the clerical reformers.[30]

Wittola's principal aim was to help bring about a reformation in the church, or as he called it, a Christian Enlightenment.[31] His role, he believed, was to enlighten the general public and he called his Kirchenzeitung a popular journal (Volksschrift). His Neueste Beiträge, written for the clergy, had a similar didactic purpose. He enthusiastically supported Joseph's reforms, particularly public education, systematic care of the poor, simplification of forms of devotion and of church art and architecture, establishment of a modern parish system, and improvement of clerical training.

Wittola and the Kirchenzeitung were supported by a wide-spread network of influential people; the State Council, for instance, suggested his first pamphlet on toleration.[32] Gottfried van Swieten, as long as he presided over the censorship, protected Wittola's periodicals, which the Hungarian Court Chancellery prescribed for use

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polemical journals containing book reviews and news on religious topics. In the late eighteenth century several journals of this type were published in the main centers of South German Catholicism. Representing the traditional outlook were the Mainzer Religionsjournal (Mainz, 1776-91), published by the ex-Jesuit Goldhagen, and the Kritik über Gewisse Kritiker (Augsburg, 1787-96), also by ex-Jesuits. On the enlightened side were the Freymütige (Freiburg i.Breisgau, 1782-88), by Johann K.A. Ruef, the Oberdeutsche Literaturzeitung (Salzburg, 1788-1808), by Lorenz Hübner, and the Literatur des Katholischen Deutschlands (Koburg, 1775-98), by the Benedictines of the Frankish monastery of Banz.

[30] S.Brunner, Die Mysterien der Aufklärung in Österreich 1770-1800 (Mainz, 1869), p. 472; Theologische Dienerschaft, p. 401.

[31] NB (April 30, 1790), I, Introduction.

[32] Wittola to Bellegarde, November 15, 1781, Kenninck, loc.cit., (1898), p. 590.

in the seminaries in Agram, Pressburg, and Pest.[33] L.A. Hoffmann and the "sermon critics" were also helpful, informing him about the conservative clergy's attempts to circumvent the prohibition against polemic.[34] Correspondents sent in articles about the progress of enlightenment in Pavia, Tuscany, Laibach, and the general seminaries. Even Wittola's enemies testify to his importance. Cardinal Migazzi condemned his periodical and tried, unsuccessfully, to persuade the government to suppress it.[35] From Augsburg, the ex-Jesuits attacked him often and with much sharpness.[36]

Educated by the Jesuits, he became a Jansenist under the influence of Simon Stock, auxiliary bishop of Vienna. In close contact with the movement throughout western Europe, Wittola made his home into a clearinghouse for Jansenist literature. He contributed articles to the French Jansenist periodical, Nouvelles Ecclésiastiques, and reprinted

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[33] See WKZ (1787), p. 436, for Pest and Agram (Zagreb); see Brunner, Mysterien der Aufklärung, p. 454, for Pressburg. In his attempt to convict Wittola of servility to the state, Brunner ignores Wittola's refusal to accommodate his writing to the conservative reaction in Austria, 1789 ff. Cf. Brunner, Mysterien der Aufklärung, p. 472, and Theologische Dienerschaft, p. 390.

[34] Wittola to Bellegarde, February 5, 1783, Kenninck, loc.cit., (1898), p. 596. Wittola, in return, assisted the "sermon critics" as a kind of theological advisor.

[35] Cf. Sashegyi, op.cit., pp. 234-35, for Migazzi's attack, May 28, 1790, on the NB.

[36] Kritik über Gewisse Kritiker (1787), pp. 74-75. Also, ibid., p. 67, where Wittola is accused of defending absolute toleration, i.e. theological as well as civil. Theodor Wiedemann, "Die kirchliche Bücherzensur der Erzdiöcese Wien," AÖG (Wien, 1873), p. 348, includes Wittola's periodicals in the "irreligious" press. The Kritik's policy of implicating Wittola with rationalism was consistent with a Jesuit tradition of some thirty years in Germany. Cf. Deinhardt, op.cit., pp. 74-78.

its material in his own journal.[37] He translated numerous books and pamphlets by Scipione Ricci and other Jansenist contemporaries.[38] A sincere priest of irreproachable character, he was imbued with zeal for reform, but his writing was flawed by a remarkably closed mind and a proclivity for denunciatory polemic against the Curia, the monastic orders, and the Society of Jesus.[39]

Many conservative contemporaries ascribed Wittola's anticurial polemic to rationalist rather than Jansenist convictions. To be sure, for tactical and personal reasons, Wittola was kind to Austrian rationalists, many of whom were his allies and friends. He praises Sonnenfels, for example, as one of those "who helped Maria Theresia bring light to Austria";[40] and he refers to Franz Neupauer, a radical professor at the University of Graz, as "a friend of truth."[41] On the other hand, he consistently demonstrated a hostile attitude toward the philosophes and German rationalists. "Voltairianism," in his opinion, was a "wild, rampant plague."[42] His review of a German translation of Decline and Fall of the Roman Empire strongly attacks Gibbon's anti-

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[37] Wittola to Bellegarde, October 22, 1767, Kenninck, loc.cit., (1898), p. 314.

[38] Ibid., p. 309; See NB (1792), II, 706-31, for Ricci's pastoral letter of February 6, 1784, on the duties of a subject to his prince.

[39] For an objective estimate of Wittola, cf. Posch, Aufklärung in Graz, p. 21. Cf. also, Posch, "Wittola," LThK.

[40] WKZ (1786), p. 8.

[41] Ibid. (1787), pp. 770 ff. See Posch, Aufklärung in Graz, pp. 109-19, for the heterodox character of Neupauer's polemic in the 1780's.

[42] WKZ (1788), pp. 99-101. Cf. also ibid. (1789), p. 576.

Christian bias.[43] Wittola, of course, approves Abbot Rautenstrauch's ban on rationalistic Protestant literature in the Austrian seminaries,[44] and he condemns those Catholic clergy who, "in recent years have taken so much pleasure in the writings of anti-Christian Protestants."[45] His comments on Frederick II are critical of the great monarch's irreligion:

> The whole world knows that the late king Frederick II . . . listened too much to the enemies of the faith, Voltaire, d'Argens, La Mettrie, and others, and thereby . . . acquired the unfortunate habit of satirizing all Revelation. The example of the King has spread much godlessness, first through the Berlin Academy among the learned, even the clergy, and then through the soldiers among the people. [46]

Wittola warmly approved Frederick Wilhelm II's public condemnation of rationalism.[47] In sum, Wittola's theological position was fundamentally orthodox.[48]

Although conservative in his view of Christian doctrine, he expressed an enlightened conception of religious toleration. Wittola wrote four tracts in defense of the Emperor's policy. The first, Schreiben eines österreichischen Pfarrers, anticipating the Edict of Toleration

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[43] NB (1792), pp. 787-89.

[44] WKZ (1785), p. 583.

[45] Ibid. (1788), pp. 836-37. Cf. also NB (1792), pp. 203-4, deploring the penetration of neo-Arianism into Austria and the Vienna book-dealers' lack of interest in good Catholic literature from Lombardy and Tuscany.

[46] WKZ (1788), pp. 816-17. Cf. pp. 850-51, for another criticism of Frederick II under whom "the Estate of the Clergy has been unbelievably lowered."

[47] Ibid., pp. 916-23, 829-39.

[48] For a North German rationalist's witness to Wittola's Catholic orthodoxy, cf. Allg. Deut. Bibliothek, LI (1782), 593-97; LXXXII (1788), 374-81.

by a month, aims at convincing Catholics that they can, and should, tolerate heretics.[49] Like Bishop Hay, Wittola stresses that Christian love is the only suitable means of carrying out the church's mission. He absolutely condemns religious persecution, although he allows some civil discrimination in favor of the state church. Soon after the Edict, Wittola wrote another tract, Text des augsburgischen Intoleranten, criticizing a widely publicized sermon in Augsburg by Alois Merz against toleration.[50] Wittola objects principally to the preacher likening heretics to thieves and murderers. Wittola ironically comments that this is the way to open up their hearts. He accuses the ex-Jesuit of inciting the people against their non-Catholic neighbors and, specifically, against the Edict.

By March, 1782, Wittola found himself deeply involved in controversy. A well-known Viennese poet, the ex-Jesuit Karl Mastalier, had attempted to refute Wittola's first tract in a short pamphlet, Antwort auf das Schreiben.[51] Mastalier objected to regarding heretics as our "neighbors" who deserved kind treatment. He echoed Merz' remarks about thieves and murderers. Mastalier also attempted to disprove Wittola's absolute condemnation of religious persecution by pushing it to the apparently absurd conclusion that one must also tolerate atheists. Wittola replied in the short tract, Zweites Schreiben eines öster-

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[49] M.A. Wittola, Schreiben eines österreichischen Pfarrers über die Toleranz nach den Grundsätzen der katholischen Kirche (Wien, 1781).

[50] M.A. Wittola, Text des augsburgischen Intoleranten mit den Noten eines toleranten Österreichers (Wien, 1782).

[51] P. Martial [Karl Mastalier], Antwort auf das Schreiben eines österreichischen Pfarrers (Wien, 1781).

reichischen Pfarrers,[52] that atheists indeed must also be tolerated; the only legitimate means of coping with error are persuasion and patience.

Late in 1782, Wittola wrote his fourth tract, Des bekannten österreichischen Pfarrers drittes Schreiben, a lengthy collection of notes and comments on the polemic of the preceding year.[53] He counters the objections raised against the Edict by Bishop Spaur of Brixen. Then, shifting his tack, Wittola criticizes erroneous ideas about toleration, propagated by radical, enlightened clerics. In particular, he rejects Bartholotti's condemnation of the conduct of Augustine in the persecution of the Donatists. Wittola regards the great bishop, whom Jansenists considered their principal theologian, as entirely on the side of tolerance. Wittola objects, as well, to Bartholotti's opinion that one of the roots of intolerance among Catholics is the doctrine that outside the church there is no salvation. Believing firmly in this doctrine, Wittola holds that it should inspire zeal among Catholics for the salvation of their neighbors. But it does not authorize the use of force, a means that is contrary to the Gospel.[54]

In the Wiener Kirchenzeitung, Wittola continued this propaganda for a moderate, Christian tolerance. Like Bishop Hay and the Austrian

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[52] M.A. Wittola, Zweites Schreiben eines österreichischen Pfarrers über die Toleranz nach den Grundsätzen der katholischen Kirche (Wien, 1782).

[53] M.A. Wittola, Des bekannten österreichischen Pfarrers drittes Schreiben über die Toleranz nach den Grundsätzen der katholischen Kirche (Wien, 1782).

[54] Cf. NB (1791), pp. 225-26, for his defense of the phrase, "only saving religion" (alleinseligmachende).

Febronians, Wittola hoped that the suppression of the Inquisition, polemical sermons, and aggressive proselytizing, as well as the use of rational and humane pastoral methods, would induce Protestants to consider reunion with the Catholic church.[55] Setting an example of irenicism, Wittola is careful not to offend the sensibility of Protestants. He refers to them as heterodox rather than as heretics. Highly critical of Protestant rationalists, particularly Karl Friedrich Bahrdt, Wittola seldom brings up issues disputed between Catholics and believing Protestants. He treats Luther with respect, putting the blame for the destruction of Christian unity on the Curia. Strictly speaking, Wittola argues, Luther cannot be called schismatic.[56] If the great reformer had lived in the eighteenth century, he would have helped the Emperor tear down the wall of separation between Catholics and Protestants.[57]

Wittola tries to reconcile the schismatics as well as the Protestants. His review of Tamburini's book reproduces particularly those passages concerning the Dutch Jansenists.[58] His sympathies extend further to the Greek Orthodox, who have the same priesthood, the same sacraments, and the same doctrines as Catholics. They remain in schism, Wittola asserts, chiefly because the popes make unjusti-

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[55] WKZ (1785), p. 136. [56] NB (1792), p. 14.

[57] WKZ (1787), p. 407: "an dessen völlige Niederreissung der deutsche Luther, wenn er jetzt aufstände, gewiss beide Hände anlegen würde." Remarks of this sort tend to confirm Abbot Rautenstrauch's opinion that, in theology, Wittola was "either a stranger or an enthusiast." Quoted from Winter, Josephinismus, p. 177.

[58] WKZ (1784), pp. 98-100, 392-94. For Wittola's version of the origin of the schism and the efforts to end it, see his long article in NB (1790), 2. Heft.

fiable claims to jurisdiction over the entire church and do not recognize the rights of other bishops and metropolitans.[59] The Curia, Wittola claims, does all in its power to aggravate the breach with the Greeks. It bestows, for instance, titles to episcopal sees and patriarchates of the East upon "insignificant people." One of the servants of the Pope during the trip to Vienna, in 1782, a certain Marcucci, carried the title of Patriarch of Constantinople.[60] The bitterness of the Greek Orthodox toward the Latin church is understandable, Wittola believes, but it could be lessened by Christian tolerance.

Wittola himself was often reproached for intolerance and not only by his enemies.[61] In fact, Wittola admits to much "warm zeal" and to many sharp words,[62] and, he argues, that to edify ordinary readers, he must simplify moral judgments. He would apologize and even resign as editor if intolerance could be proved against him. These disclaimers notwithstanding, Wittola exceeds even the ample limits allowed to contemporary polemic, in his attack upon "curialists."[63] Moreover, his polemic seems inspired by animosity as much as by "warm zeal" or moral indignation.[64] Convinced that the Roman Curia and the religious orders

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[59] WKZ (1785), p. 302; cf. Tamburini, op.cit., Chap. viii, Par. xxii, for a similar view of schism.

[60] WKZ (1789), pp. 590-91.

[61] RZ (1781), p. 812.

[62] NB (1792), p. 272.

[63] F.G. Lüdke, in the Allg. Deut. Bibliothek, LXXXII (1788), 380-83, criticizes Wittola's unreasonable condemnation of a conservative pastoral letter by the Bishop of Linz.

[64] For this streak of fanaticism in Wittola, see Winter, Josephinismus, p. 82.

were largely responsible not only for corrupting the piety of Catholics but also for keeping many persons from the church, "outside of which there was no salvation," Wittola and other Jansenists sometimes abandoned the method of kind, patient persuasion.

This personal failure in practicing toleration perhaps reflects a tension of fundamental principles in the Jansenist attitude toward religious dissent. The Jansenists are specially significant among articulate Austrians because in their tracts the confrontation between Catholicism and Enlightenment seems most authentic. For conservative Catholics, toleration of religious dissenters was a necessary evil; they did not doubt that the church had the right to use coercion against them. For enlightened Catholics, other than the Jansenists, Catholic tradition and doctrine was not a vital, pressing concern. They could sometimes overlook, or, as Bartholotti, even deny such dogmas as "outside the church there is no salvation." They were inclined to treat religious dissent as a practical, secular problem. The Jansenists, on the other hand, attempted to maintain intact the Catholic's belief in one faith and one church, while striving toward the modern ideal of religious liberty. At the level of principle, they discovered the solution in an evangelism by persuasion supported by divine grace, a solution that conformed to the words and example of Christ while it respected the dignity of man.

CHAPTER VI

TOLERATION AND THE SECULAR HUMANISTS

Literary life in Vienna at this time was dominated by a dozen men, Die Wiener Freunde, who helped to further toleration with a polemic quite different in perspective from that of the Jansenists and other enlightened Catholics. Skeptical of Christianity, these radical authors and journalists believed that toleration should be based on secular humanistic principles. They generally found the Emperor's Edict not generous enough, and the more forthright among them vigorously criticized his subsequent restrictive measures.

The Vienna circle had grown up in the long period of peace after the Seven Years' War. As the city became large and prosperous, a refinement of culture life took place, which abetted the growth of incredulity in the educated classes. In common with other secularized Austrians, the "Vienna Friends" usually did not openly deny Christianity. They were typical of a tendency in the aristocracy and the professional classes to maintain external conformity with the Catholic church together with internal disbelief. Nominal Catholicism was the necessary minimum for an official position under Joseph as under Maria Theresia. Secularists in the clergy, such as Kaspar Royko in Prague, under the surveillance of orthodox, if not always zealous, bishops, had to profess outwardly the Catholic faith while they whittled away most of its meaning. Literary men, with less reason

to be concerned about social conventions and ecclesiastical authority, were inclined to much greater freedom of expression. Some, like the poet, Michael Denis, remained pious Catholics. A few, like Alois Blumauer, became cynics, while others turned to Deism.

Freemasonry contributed much to this erosion of traditional Catholicism among educated Austrians.[1] The "Vienna Friends" were all members of the order, and most belonged to the same lodge, Zur wahren Eintracht. In 1780, the masonic order was near the height of its influence. Almost everyone of importance in Vienna belonged to it, except Emperor Joseph, who disliked its "silly ritual" and saw latent danger to the state in its secrecy. Much of the activity in the lodges was merely social, particularly among the aristocratic members.[2] Some masons, however, took seriously the order's objective of furthering enlightenment and tolerance, especially in the schools, the censorship, and the press. The masonic reading societies which made dozens of French and German periodicals available to members, helped break down Austria's intellectual isolation.

These enterprises did not necessarily lead Austrian masons into rationalism, but they weakened the hold of the Tridentine church on the Austrian mind. Although ostensibly compatible with any of the major religions, the order's vague, humanitarian religious principles,

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[1] Viktor von Fuchs, "Die Freimaurerei unter Josef II.," Die Freimaurerei Österreich-Ungarns (Wien, 1897), pp. 78-123. The author, a conservative Catholic, exaggerates the anti-Christian character of eighteenth-century Austrian freemasonry.

[2] L. Abafi, Geschichte der Freimaurerei in Österreich-Ungarn (Budapest, 1893), IV, 304-5. A favorite gathering place was the Café Stierböck in the Leopoldstadt where, in September, 1785, the lodges held a reception for Lafayette.

contradicted traditional Catholicism's conception of the Christian Commonwealth, as well as its stress on the fallen nature of man. In particular, masonry's insistence on the natural brotherhood of men worked as a solvent upon the rigid intolerance of religious dissent inculcated by traditional Catholic apologetic. Many enlightened Catholics, such as Wittola, firmly committed to fundamental Christian doctrine but disenchanted with the Counter Reformation's piety and theology, felt at home in the order.[3] Since the lodges largely confined their activity to the practical aspects of reform, they could bring together enlightened individuals of quite divergent religious convictions.

A notable exception to this relative indifference to ideology in Austrian freemasonry was the lodge, Zur wahren Eintracht. A militant secular humanism characterized its meetings and publications and made it a congenial setting for intellectuals who were alienated from the church. The lodge was chiefly the creation of one of the leading personalities of the Austrian Enlightenment, the scientist Ignaz von Born. A native of Transylvania, Born belonged for a time to the Society of Jesus. Afterwards devoting himself to the natural sciences, he acquired a European reputation as a minerologist. He abandoned Catholic orthodoxy and became an indefatigable partisan of unfettered rational inquiry. In 1781, as a vehicle for his ideas, he reorganized Zur wahren Eintracht into virtually an academy of sciences. For five years,

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[3] In an Innsbruck lodge, Bishop Leopold Spaur of Brixen was Master of Ceremonies. In Vienna, Wittola and another Jansenist, Melchior Blarer, were companions with Pezzl, Eybel, and Wolfgang Amadeus Mozart in the lodge, Zur Wohltätigkeit. Thaddeus Trautmannsdorf belonged to a lodge in Graz. Abafi, op.cit., pp. 333, 369.

its growth, like that of the order itself in Austria, was very rapid, from 16 members in 1781 to 197 in 1785.[4] The membership included the pious Michael Denis, but its secularistic tone was set by Born himself and by Sonnenfels, Johann Baptist Alxinger, and Blumauer.[5] In these five years, serious writing in Vienna emanated almost entirely from Born's lodge and from masonic associates such as Lorenz Haschka and Johann Pezzl. Members of the lodge issued three periodicals: the Wiener Musenalmanach, a journal of poetry; the Journal für Freimaurer, an uncensored house publication; and the Realzeitung, the monarchy's best literary journal.

During this short period of activity, the radicals produced a distinctive literature justifying religious liberty. Born and his friends regarded as futile the attempt of Bartholotti and other enlightened Catholics to reconcile Christianity and the Enlightenment, and they did not share the Jansenist passion for reform of the church. Their rationalistic outlook inclined them to seek exclusively the temporal welfare of humanity. And their ideal of universal brotherhood led them to oppose sectarian projects for reunification of the Christian churches. Whereas enlightened Catholics saw in religious toleration a way to prompt non-Catholics to consider reunion with Rome, the radicals believed that freeing the individual's conscience was an end in itself. Deists themselves, they desired religious liberty for all who professed some kind of natural religion. Their case for religious

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[4] Ibid., pp. 287-88.

[5] For a critical view of Blumauer's influence, cf. Alxinger to Reinhold, November 20, 1786, in R. Keil, Wiener Freunde 1784-1808 (Wien, 1883), p. 46.

liberty rested on the law of reason and humanity or upon social utility and ignored the Christian sources used by enlightened Catholics and Jansenists. Indeed, the radicals sometimes agreed with orthodox apologists that the Bible and the Fathers of the Church taught intolerance. As the target of their polemic, the radicals attacked not only the common enemies of the Enlightenment, monks, ex-Jesuits, curialists, and the Inquisition, but went a step further, attributing intolerance to clerics in general.

II

This point of view, moderately expressed, pervades the commentary and reviews in the Realzeitung. Founded in 1770 to give commercial information and to popularize economic literature, it had become, by 1781, almost exclusively a literary and scientific journal. Under several capable editors, including Franz X. von Wasserberg, Christian G. Klem, Johann Rautenstrauch, Joseph Sonnenfels, Ignaz de Luca, and Friedrich Justus Riedel, it had maintained a relatively high quality and was appreciated abroad as well as in Austria.

From August 1781 to November 1783, the two and a half years when the bulk of the literature precipitated by Joseph's Edict of Toleration was published, the Realzeitung carried on a lively polemic for religious liberty. Anton von Scharf (August 1781-October 1782), gave much space to Wittola's controversy with the ex-Jesuit, Alois Merz, of Augsburg. He also followed closely a brief pamphlet war at the time of the edict of toleration for the Jews in Bohemia. Finally, he reviewed several of the more important justifications of Joseph's policy toward Protestants, the pastoral letters of Hay and Herberstein,

Bartholotti's treatise, and Watteroth's pamphlet. On several of these occasions, Scharf contributed his own, secularistic observations in favor of religious liberty.

When Scharf took a teaching post in Linz, Blumauer assumed responsibility for the Realzeitung (October 1782-November 1783). He placed the theological and ecclesiastical section in the hands of Karl Leonard Reinhold, a young, highly regarded professor in the Barnabite seminary in Vienna.[6] Strongly attracted to the ideal of free rational inquiry, Reinhold's point of view on the rights of religious dissenters was essentially the same as Scharf's. Both men enhanced the periodical's reputation for objectivity by maintaining a critical attitude toward the writings of the enlightened party. They reprimanded Wittola for loose reasoning,[7] challenged Bartholotti's treatise on several points, and criticized Heinrich Watteroth's tendentious and declamatory style.[8]

The Realzeitung could not be as free a forum as an anonymous pamphlet. It enjoyed, however, greater liberty than the Wiener Zeitung, a semi-official daily newspaper, and far more than the stage. The Press Law of July, 1781, forbidding attacks upon the church or religion, did not seriously embarrass either Scharf or Reinhold in their criticism of the Society of Jesus, the monastic orders, and the Papacy.[9] And while they refrained from repudiating Christianity, they

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[6] Lucia Franc, "Die Wiener Realzeitung" (unpublished Ph.D. dissertation, University of Vienna, 1952), pp. 160, 176.

[7] RZ (1781), p. 271. [8] Ibid. (1782), p. 104.

[9] Franc, op.cit., p. 260. Scharf was also the author of an anti-monastic pamphlet, Der Klostergeist.

looked elsewhere, especially to the philosophy of natural law, for their religious views. Both were active members of the lodge Zur wahren Eintracht, and conscientiously treated religious liberty according to secular humanistic principles. Like contemporary freemasonry in Austria, the Realzeitung was nonconfessional rather than anticonfessional, and occasionally it vaguely identified itself as Christian. Scharf even asserted that the traditional expression, "extra ecclesia nulla salus," was not necessarily a source of intolerance as Bartholotti had claimed.[10] Scharf's religious ideal was a pure, practical Christianity, that is, a nondogmatic religion which formed good men and honest citizens.[11] He approved a definition of Christian virtue so general that a Jew also could accept it.[12]

The Realzeitung applied this secular humanistic ideal in stressing the dissenter's natural right to his good reputation. In December, 1781, Scharf treated Karl Mastalier's attempt to refute Wittola's first pamphlet on the Edict. Mastalier's analogy of heretics to thieves and murderers to whom toleration should not be extended gave Scharf an opportunity to argue that orthodox polemic violated a natural right in implying that the heretic erred in bad faith. Scharf affirmed the right of all men to their good reputation, arguing that the sincerity of a man's beliefs should not be doubted until proof to the contrary was given. And he criticized Mastalier for insulting Protestants: they are not "evil-doers" but simply men in error, who have a right to

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[10] RZ (1782), p. 271. [11] Ibid., p. 261.

[12] Ibid. (1781), p. 744, in a review of A. Luby's Theologia Moralis (Graz, 1781): "Habitus ad exactam observantiam mandatorum Dei inclinans."

145

our good opinion.[13]

This concern for natural justice figured, though not so prominently, in the Realzeitung's support for the emancipation of the Jews. Prior to Joseph's reign Jews were regarded as unassimilable aliens and excluded from owning property, holding office, or entering most trades and professions. Even after Joseph's patents of toleration had granted citizenship to the Jews, the people clung to traditional anti-Semitic prejudices. Enlightened Catholics did little to alter this attitude. Either they seldom referred to the problem, or they disapproved of attempting to integrate Jews into what they regarded as a Christian community. It was secular-minded publicists, in particular, who set to work to turn public opinion in favor of the new policy.

The radicals, to be sure, resembled their orthodox contemporaries in often regarding the social customs and the religion of the Jews with unconcealed aversion. But they were optimistic about progress and welcomed signs of enlightenment such as the Jewish normal school in Prague,[14] and the writings of Herz Homberg.[15] The Realzeitung helped this cause by summarizing a tract, Über die Juden und deren Duldung, by Leopold A. Hoffmann.[16] A resident of Prague, where he became acquainted with the problems of its large Jewish minority, the young masonic Aufklärer was well-qualified to present the Realzeitung's point of view on Jewish emancipation. Later, when Reinhold left Vienna,

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[13] Ibid., p. 818. [14] Ibid. (1785), pp. 689-97.

[15] Ibid. (1783), p. 456.

[16] Ibid. (1782), pp. 295 ff. Hoffmann's tract was published, 1781, in Prague.

he assumed responsibility for the periodical's religious section. The pamphlet was written before Joseph had yet promulgated the reforms for the Jews in Bohemia, but Hoffmann almost certainly expected them.

Occasioned by an anti-Semitic incident on the city streets, his pamphlet expresses sympathetic understanding of the Jews. Their faults, he asserts, are attributable to history and repressive legislation or are those common to all men. He also refutes several traditional accusations, for instance, that Jews have taken by trickery all commerce into their hands. Hoffmann believes that their business morality hardly differs from the Christians', but it is easier to excuse the shortcomings of the Jews in view of the restrictions imposed upon them and the misery in which they are forced to live.

The pamphlet is remarkable in lacking the social utilitarianism which usually figured prominently in Josephinist thought; Hoffmann's principles are humanitarian. He seems outraged that Christians think it just to punish Jews for their "infidelity." He argues, rather, that God has not given anyone a right to punish the Jews; it is his will that we should love all men. The Jewish race, Hoffmann points out, has produced the Patriarchs of the Old Testament and many good and noble men in modern times. Such men deserve our respect, and the common sort deserve at least our sympathy. While reprimanding Christians as a group, Hoffmann does not point out any specifically Christian sources of anti-Semitism.

This pamphlet, although relatively reasonable and irenic, evoked many anti-Semitic replies. Typical of these is the pamphlet, Über die Unnutz und Schädlichkeit der Juden im Königreich Böhmen, published in Prague, in 1782. It displays strong antipathy to the Jews and attempts

to discourage emancipation. The anonymous author regards them as useless for most military and civilian service and injurious to society because of their usury and the prejudices they acquire from the Talmud. However, Jews might be improved, the pamphlet concedes, if farming and manufacturing are opened to them.

The Realzeitung, while acknowledging the author's good literary style and wit, reproves his errors and the hatred of the Jews which caused them. The reviewer argues that even if all the accusations were true, they would prove only what the Jews are now, not what they are going to be. At the end of a lengthy summary of a number of such pamphlets, the editor concludes:

> up to now the Jews have not been precisely the most useful citizens of the state, because their education has been neglected, . . . their means of livelihood has been restricted, and they have been handled by the laws with pitiless harshness; . . . however, they can become useful if Joseph's measures are put into effect. 17

These utilitarian sentiments are predominant in the common Josephinist attitude, a rather aristocratic distaste for the Jewish masses in their present condition, mixed with an optimism about the effectiveness of Joseph's reforms. However, Hoffmann's tract indicates that the Realzeitung was motivated to espouse emancipation, not only by the benefits which it brings to the state but also by the dictates of natural religion and philosophy.

Similar humanitarian principles inspire the Realzeitung's tolerance of atheists. As a rule, discussions about freedom of conscience did not touch on atheism since it was not a pressing

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17 Ibid., p. 303.

problem.[18] Even the most consistent Austrian rationalists, Alxinger, Pezzl, and Blumauer, did not deny the existence of God. They shared the official view, implicit in the government's prohibition on the works of Holbach, Helvétius, and Hume, that religion is necessary to the moral strength of a state and that atheism is subversive. It is somewhat surprising, therefore, that the Realzeitung, which had to keep one eye on the censor, twice expressed relatively liberal views.

The first occasion was its review in April, 1782, of Bartholotti's treatise on toleration. In his paragraph on atheists, the author had repeated Christian Wolff's opinion that they could not be tolerated because their principles were dangerous to the state. This was challenged by the reviewer (most likely, Reinhold), who dissociated an individual's religious opinion from his social behavior:

> Every honorable man can be a good citizen. Integrity is more a matter of a practical kind of thinking and acting, of education, habituation, temperament, social rank, and conditioning of the inclinations than of speculative principles. 19

This is no more than what Pierre Bayle had asserted, a hundred years before, in his Pensées sur la Comète. However, in 1782, it was still uncommon in Austria to argue publicly that an atheist could be a good citizen.

Shortly thereafter, the Realzeitung had an opportunity to qualify

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[18] Nicolai, on the other hand, insisted that nowhere had he encountered so many atheists as in Vienna in 1781. The written record, however, leads one to believe that genuine atheism was rare. Cf. Wangermann, op.cit., pp. 17-19, 176-78. It is likely that Nicolai's judgment was influenced by his conviction that Catholicism demoralizes men, inclining them to tyranny or to license. See his Reise durch Deutschland, V, 12, 160-61.

[19] RZ (1782), p. 277.

its opinion. Wittola, in his quarrel with Mastalier, had stated that fraternal charity obliged Catholics to practice toleration toward atheists.[20] In reviewing this passage the Realzeitung comments that a distinction must be drawn between theoretical atheists and practical atheists. While the former must be tolerated, the latter must not, since they put public security in danger.[21] The reviewer does not explain the grounds for tolerating theoretical atheists, but he probably assumes the principle of natural law that an individual ought to enjoy a freedom of expression consistent with the security of the state and the rights of others. Neither the state nor fellow citizens are threatened by a person who merely holds atheistic opinions.

Some enlightened Catholics also defended these rights of man, invariably relating them to the Gospel as well as to natural law, in the hope that tolerance would attract the atheist and the Jew, as well as the Protestant, to the Catholic church. The Realzeitung, in contrast, consistently taking an unfavorable view of projects for Christian unification, desired religious unity only on a natural plane. In commenting upon a pamphlet, Religion und Priester, Karl Reinhold criticizes the author for overlooking doctrinal differences while attempting to reunite the churches.[22] Scharf had already point out that, since the articles of the Catholic faith are fixed, and assuming that the Lutheran and Reformed creeds are equally inflexible, the only possible result of making a theological compromise would be a fourth,

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[20] Wittola, Zweites Schreiben eines österreichischen Pfarrers über die Toleranz (1782), p. 12.

[21] RZ (1782), p. 291.

[22] Ibid. (1783), pp. 17-21.

a new religion.[23] The solution to religious divisions in Germany, argued a later reviewer, is to be found in the enlightenment of individuals, not in the integration of ecclesiastical corporations. For the wise man knows that,

> we all come from One Father, and return again to One. In the essential thing, the matter of faith, we are certainly one. [24]

Religious unity should be constructed on two natural pillars: the first, a rational knowledge of God; and the second, the moral principles which all major religions regard as essential.

The outlook of this rather moderate organ of Austrian rationalism was, in sum, moralistic, humanitarian, and nonconfessional. The editors extended their tolerance much wider than did the government, encompassing even atheists, and showed lively interest in the emancipation of the Jews. Strongly inclined, however, to defer to the needs and authority of the state, the Realzeitung never explicitly criticized the restrictions which the government put on religious liberty.

III

More explicitly than the Realzeitung, Heinrich J. Watteroth, a member of Born's lodge from 1783 to 1784, attacked the dominant position of the Catholic church. In the summer of 1781, he wrote a tract, Für Toleranz überhaupt und Bürgerrechte der Protestanten in katholischen Staaten, [25] which called for virtually full religious

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[23] Ibid. (1782), pp. 134-38. [24] Ibid. (1785), pp. 490-91.

[25] Theodor Wiedemann, "Die kirchliche Bücherzensur der Erzdiözese Wien," AÖG, L (Wien, 1873), 327, errs in dating it, June 3, 1781. Watteroth could not have written it before June 17, 1781, the date of the Wertheim incident.

liberty in the monarchy. Educated at the universities of Erfurt and Göttingen, he had come to Vienna in 1777.[26] Until 1783, he practiced law at the imperial Aulic Council (Reichshofrat) and studied political science under Sonnenfels. As professor of history at the University of Vienna, from 1786 to 1790, he popularized a potpourri of opinions from Voltaire, the French Physiocrats, and Adam Smith.[27] Unpedantic, a "literary gladiator," Watteroth won the affection of his students and exerted considerable influence over them.[28]

It is especially in his university lectures that Watteroth displays the radical cast of his thought. In denouncing them to the Emperor, Cardinal Migazzi ranks Watteroth with Sonnenfels and Matthias Dannenmayer among the "enemies of the Christian religion." Watteroth, said the Cardinal, calls the Book of Genesis a fable and Providence an absurdity, scoffs at miracles, denies the infallibility of the church, and ridicules the popes, or "califs."[29]

His tract on toleration treats Christianity more circumspectly. To orthodox Catholics, however, Watteroth seemed to veil his disbelief

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26 During his year at Göttingen, Watteroth was a favorite student of Professor A.L. Schlözer. Cf. Elfriede Eckert, "Heinrich Joseph Watteroth" (unpublished Ph.D. dissertation, University of Vienna, 1950), p. 7. Watteroth never earned a doctor's degree.

27 According to Ignaz Beidtel, Geschichte der österreichischen Staatsverwaltung (Innsbruck, 1898), II, 39, Watteroth was the first to shake the public's confidence in Sonnenfels' theories on population and strict state regulation of the economy.

28 For a good description of Watteroth's personality, cf. Eckert, op.cit., pp. 84-94.

29 Migazzi's petition for an investigation, December 15, 1786, AVA, Unterrichtsarchiv, Fz. 8. Cf. Beidtel, op. cit., II, 39. Watteroth's most irreverent tract is Die Reise des Dalailama von Putola nach Peking zum Kaiser von China (Frankfurt a.M., 1784), ridiculing the journey of Pope Pius VI to Vienna.

but lightly. He asserts, for example, that the doctrines controverted between Catholics and Protestants are mere theological opinions. The Roman Inquisition, in 1783, placed the tract on the list of forbidden books, and Migazzi called it a systematic attack on the Christian religion.[30] On the other hand, Bartholotti, the censor, cleared Watteroth of the charge of systematically attacking Christianity and did not concern himself with the orthodoxy of Watteroth's opinions.[31] Joseph approved the censor's report. Despite faults of organization and style, the tract was widely read and often mentioned in contemporary periodicals.[32]

Much of the pamphlet is a secularist explanation of the place of religion in the state. Watteroth does not feel the need for a state church, or for uniformity in religious doctrine and organization. Faith, or revealed religious doctrines, should not influence public affairs.

> In the councils of a prince political prudence,
> not faith, should rule. 33

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[30] See Erzbischöfliches Archiv, Konsistorialarchiv, No. 19, Zensur: Watteroth, for Migazzi's complaint against the tract, January 3, 1782.

[31] According to Bartholotti, the passages cited by Migazzi "do not systematically attack, either together or individually, the Catholic or for that matter the Christian religion." Quoted from Gnau, op.cit., p. 116. Cf. J. Felder, "Der Kirchenbegriff des Josephinischen Jahrzehnts," Zeitschrift für Katholische Theologie (1953), pp. 321, 327.

[32] WKZ (1784), p. 154, refers to an Italian translation. Cf. Allg. Deut. Bibliothek, XLIX (1782), 593, whose South German correspondent reports that Watteroth's tract is regarded in Vienna as one of the best on the topic. Also, cf. ibid. LI (1782), 591-93, for Professor Maier's review. The anonymous Erinnerungen zu Herrn H.J. Watteroth's Schrift für Toleranz (Frankfurt a.M., 1782), is typical of the North German press as it attacks Watteroth's polemic against Protestant intolerance.

[33] H. Watteroth, Für Toleranz überhaupt und Bürgerrechte der Protestanten in katholischen Staaten (Wien, 1781), p. 57.

Nor should a prince, Watteroth writes, force his subjects to accept his "religious party." He attacks the jus reformandi, declaiming

> Prince, you exist for our sake, but we do not exist for your sake. 34

The state should treat all citizens alike, as William Penn did in his colony, and judge a sect by its moral doctrines. Watteroth, identifying religion with natural morality, holds that its purpose is to make good citizens. Priests, therefore, should serve the state by preaching the gospel of brotherly love.

This view of church and state, as well as his Austrian patriotism, moves Watteroth to disparage Protestant Europe. He finds fault with its submissiveness to "infallible" Luther and Calvin and to the official professions of faith. And he asserts that the prince has no authority to act as head and high priest of the church.

By no means does Watteroth write as a Catholic apologist, although he uses some stock phrases from the Counter Reformation. Ridiculing the fanaticism that produces a multiplicity of sects, he shows how far the non-Catholic countries are from the true faith, not of Catholicism but of the Enlightenment. He gives as examples of Protestant intolerance, especially the Gordon Riots in London, 1780, and a Protestant attack upon a pilgrimage, on June 17, 1781, near Wertheim on the Main River. While Prussia concedes limited toleration to Catholics, he points out, it practices financial extortion against them, and most strictly forbids conversion to the Catholic religion.[35]

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[34] Ibid., p. 58.

[35] Watteroth, op.cit., p. 105. The Allg. Deut. Bibliothek, LI (1782), 591-93, directs its criticism chiefly against the tract's "anti-Prussian" remarks.

Tolerance, Watteroth asserts, is the solution to such religious conflicts. But he seems more interested in ending the unnatural division of Germany into two camps, than in reuniting the Christian church. Catholics and Protestants should realize that the hierarchy and theology are merely products of history, distinct from religion. Tolerance consists in regarding differences of ecclesiastical organization and theological opinions as unimportant. Fear of irreligion should bring Christians closer together in defense of natural religion, the basis of society. Religious divisions, as such are not evil; he thinks that they might even have a good effect. Applying physiocratic principles to the religious order, he argues that religion benefits from healthy competition.[36] As princes become aware of the value of toleration, Watteroth argues they will rival one another granting it.[37] Certain Protestant countries, Denmark, Sweden, Holland, England, and Prussia, already give a limited toleration to Catholics. Austria should encourage them to further liberality, giving full civil rights to Protestants.[38]

These rights include the freedom to change one's religious affiliation without hindrance or favor from the state.[39] The stole fees which non-Catholics have to pay to the Catholic priest for baptism and marriage should be abolished. To provide for a strong Protestant clergy,

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[36] That physiocratic ideas were uppermost in his mind at this time is apparent from his Gelegentliche Betrachtungen (Wien, 1781), and his Kosmopolitische Betrachtungen über das erste Regierungsjahr Josefs II. (Wien, 1783), concerned with the suppression of serfdom and other obstacles to agriculture and commerce.

[37] Watteroth, Für Toleranz, p. 97.

[38] Ibid., p. 106. [39] Ibid., p. 87.

Watteroth favors establishing chairs of Protestant theology in Austrian universities. Vigorous competition, he writes, improves the clergy of all churches.[40] Protestants, furthermore, should not suffer discrimination in mixed marriages. He lays down as a general principle that it is good for the country to mix dissenting religious groups with the rest of the population. This reduces prejudice and superstition and helps people recognize the common, essential part of religion. In mixed marriages, he declares, ecclesiastical barriers are overcome by the unifying force of mutual love. The ruler, therefore, ought to favor them in every possible way and let parents determine the religious training of their children.

Although Watteroth would deprive the state church of virtually all its advantages over other churches, he does not believe that ecclesiastical competition should be completely unregulated. Since the state must uphold public morality, it must examine the ethical systems of the rival religions. The two principal Protestant churches, the Lutheran and the Reformed, present no difficulty since their moral doctrine, Watteroth believes, is unimpeachable. But the state cannot tolerate sects which teach immoral or subversive principles. Nor may it permit the disturbance of civil peace. The censor ought to prohibit polemical sermons and accusations of heresy (Verketzerungen), just as the police prohibits incitement of riot and slander. The state should supervise the education of the clergy to insure that they teach the people tolerance and brotherly love.

This stress on individual liberty is unusual in the Josephinist

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[40] Ibid.

literature on toleration. Watteroth advocates in the spirit of John Locke that the state regard the churches as purely voluntary associations of citizens of equal standing before the law. Watteroth's tract implicitly opposes Joseph's modified version of the Catholic confessional state, with its discrimination against religious minorities. It also opposes the Emperor's idea of toleration as resting on the sovereign's benevolence. Watteroth recognized religious freedom as a natural right.

IV

Another representative of the majority of Austrian radicals, Johann Pezzl, also thought that the Emperor's Edict should have been much more far-reaching and based on natural right. Pezzl could be comparatively more outspoken than Watteroth since he published his writings abroad, beyond the reach of the Austrian censors.

Born in Bavaria in 1756, he was educated in the Lyceum in Freising and, from 1776 to 1780, studied law at the University of Salzburg. In the five years after leaving the university he published his most controversial books, beginning with the Briefe aus dem Noviziat, in 1780, a sharp attack on the monastic orders. The first volumes earned him such notoriety that in 1781 he thought it wise to move to Protestant Zürich. There he wrote Faustin, a moralistic tale about a young man's search for a place where tolerance truly reigns, followed by the Marokkanische Briefe. Moving to Vienna, in 1784, he was soon received in the best circles in Vienna. Caroline Pichler, whose home was the city's major literary salon, appreciated

his wit, liveliness, and well-informed mind.[41] A contemporary critic in Über Wiens Autoren, 1785, paid tribute to his popularity:

> His literary products make a great stir . . . the people devour his Faustin, his Briefe aus dem Noviziat and his Marokkanische Briefe. 42

Through masonic connections, he joined the household of Count Kaunitz as librarian and personal secretary.[43] Kaunitz later secured for him a post in the Code Chancellery.

His natural reserve became increasingly prominent after 1785, developing into an aristocratic disdain for common humanity. The change was first reflected in his book, Abdul Erzerums neue persische Briefe, 1787, whose dominant theme is that enlightenment is not likely to improve the benighted condition of mankind. That same year, he wrote Vertraute Briefe which reflects a similar spirit. Thereafter abandoning satire, he concentrated on topographical books about Vienna.

Pezzl is at his best as an observer of the social scene and a moralist rather than as a crusader or an artist.[44] All his books, except Faustin, seem hastily written. His main strength lies in his wit and in the clever use he makes of a large fund of anecdote. He derives his standard of values largely from the French Enlightenment,

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[41] Wurzbach, op.cit., XXII, 160.

[42] Quoted from G. Gugitz, "Johann Pezzl," Jahrb. d. Grillparzer Gesell., XVI (1906), 194.

[43] Pezzl associated with Born's circle, even while he belonged to a different lodge.

[44] Wurzbach, op.cit., p. 162, considers Pezzl's Faustin and his Marokkanische Briefe superior to Voltaire's Candide and Montesquieu's Lettres persanes. Modern critics, on the other hand, depreciate Pezzl's literary talents and accuse him of surrendering the ideals of enlightenment for the sake of a government office. Cf. Gugitz, op.cit., pp. 167, 171, 215.

particularly from Voltaire, and shows a special aversion to fanaticism.[45] Religious liberty, he asserts, is grounded not on its utility to the state, but on the rights of reason and humanity. He defines toleration as the right to leave the dominant, or state, church. The state should not favor one religion more than another. And, if it supports a dominant church, it should recognize the right of the members to leave. Unlike Jansenists and enlightened Catholics, Pezzl adduces no Christian principles for toleration, nor does he concern himself about its benefit to the church. He explicitly condemns using religious liberty to bring about reunion of the Christian churches.

Pezzl did more to make intolerance look ridiculous than any other contemporary Austrian. Faustin represents his most serious effort in support of religious liberty.[46] It is in the style of Candide, a moralistic novel in which a student, Faustin (Candide), discovers in the course of an incredible series of adventures that his master, Father Boniface (Pangloss), a wishful thinker, had erred in believing that Europe was living in the philosophical century (the best of all possible worlds). In Faustin, as in Candide, the author treats traditional

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[45] On Pezzl's relation to Voltaire, cf. H.A. Korff, Voltaire im literarischen Deutschland des XVIII. Jahrhunderts (Heidelberg, 1917), I, 240-44. Pezzl lightly ironizes the contemporary, exaggerated devotion to Voltaire. Cf. also W. Krauss, Die französische Aufklärung im Spiegel der deutschen Literatur des 18. Jahrhunderts (Berlin, 1963), pp. 247-51.

[46] Johann Pezzl, Faustin oder das aufgeklärte philosophische Jahrhundert (s.l., 1783). It was enormously popular. Pezzl republished the book in 1784, 1785, and 1788, and complained about the many pirated editions. Faustin also inspired several imitations, principally, a continuation of the story, eventually entitled, Faustins Reise im philosophischen Jahrhundert (s.l., 1785), by P. Winkopp, a radical critic of Austrian policy toward religious dissent; and Faustins Briefe (Berlin [Salzburg], 1785), by Carl Freiherr von Günderode. For the favorable critical reaction to Faustin, cf. Allg. Deut. Bibliothek, LVIII (1784), 134-36.

practices of the established churches with scorn, represents miracles as fraudulent, and the clergy as hypocrites and deceivers. However, Faustin is not a mere copy. In selecting examples of intolerance, Pezzl maintains an even balance between Catholic and Protestant Europe. He couples Catholic Spain with Protestant London as centers of fanaticism. Faustin's experience with the Holy Inquisition is not so horrid as Candide's, whereas the book's most lurid moment is the Gordon Riots in London in which Boniface dies of injuries inflicted by a Protestant mob. Notably absent from this indictment of religious persecution are the religious disturbances in Moravia from 1777 to 1780, and the earlier, similar incidents in Styria in 1773. The concluding chapter is an encomium of Joseph II.[47]

The Marokkanische Briefe, an entertaining as well as radical attack on the Christian churches, caused a sensation in the 1780's.[48] In style this work distantly resembles Montesquieu's Lettres persanes. Both reflect eighteenth-century European interest in the Orient and employ fictional non-Europeans to criticize contemporary institutions and customs. The French masterpiece is far more complex than Pezzl's book. Besides social criticism, Montesquieu has written into the letters

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[47] According to Winkopp, op.cit., Faustin becomes disillusioned with the Enlightenment in Vienna; it exists only on paper, not in deeds. He complains that the rights of non-Catholics are uncertain and insecure since they rest only on the Emperor's will. Winkopp has Faustin discover the "philosophical century" in the Berlin of Frederick II.

[48] Johann Pezzl, Marokkanische Briefe (Frankfurt, Leipzig, 1784). It went through many authorized as well as pirated editions. Cf. Müller (ed.), Martin Gerbert, I, No. 79, p. 93, for the indignation it provoked in Karl Albert I, of Hohenlohe-Waldenburg. Hamid's Meynungen über die Marokkanischen Briefe an seinen Freund Sidi (Leipzig, 1785), is an attempt to refute Pezzl's attack on Protestantism. For Tiedemann's favorable review, see Allg. Deut. Bibliothek, LXII (1780), 103-6.

a serious discussion of the psychology of love. The Marokkanische Briefe attempt no more than several unrelated passages about women and a proposal for a Court of Love. Further, Montesquieu consistently keeps up the pretense of seeing things with a Persian's eyes and presents a correspondence between several persons. In the Marokkanische Briefe, only one person is heard from, Sidi, a visitor in Vienna, who writes to his friend, Hamid. Pezzl often abandons the subterfuge and for chapters at a time does without his mouthpiece.

While the same rationalistic spirit inspires both Faustin and Marokkanische Briefe, the latter makes a more radical attack on Christianity, largely in the name of religious liberty. Pezzl's thesis is that philosophy, not religion, improves man's condition: The Bible, the Church Fathers and the Councils, the Protestant and Catholic churches have been useless or harmful to men. In particular, he attempts to show the Christian origin of intolerance. He singles out Luke 14:23, "compel them to enter," as the most unfortunate phrase in the New Testament. Christian tradition has understood it to mean that everyone can and must be forced to enter the one saving church. This interpretation has caused religious wars and inquisitions whose victims from 251 A.D. to the Gordon Riots of 1780, number over 11,000,000.[49] "For the love of God and the Christian religion," he ironically concludes, "compel them to enter."

His book condemns the Protestant Reformation as one of the Christian sources of intolerance. Part of his criticism is similar

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[49]See Marokkanische Briefe, pp. 68-79, for Pezzl's compilation, inspired apparently by similar lists in Voltaire's Questions sur l'Encyclopédie and Dieu et les hommes, cited in Peter Gay, Voltaire's Politics (New York, 1965), p. 252.

to that found in Tridentine Catholic polemic: for instance, the references to Protestantism's tendency to proliferate into warring sects. For the most part, however, he quarrels, not with orthodox Protestants, but with enlightened North Germans, such as Friedrich Nicolai. Pezzl wanted to invalidate the idea that the Reformation was a step on the way to liberty. His comments, therefore, focus on the intolerant attitude of the reformers rather than on their heresy. He accuses them of "obstinacy, impetuosity, harshness, and the spirit of persecution." Calvin is condemned for burning Servetus; Zwingli, for his intolerance toward Anabaptists; Luther, "a harsh, violent man," for his "domineering and stormy behavior" toward his colleague, Karlstadt. The Lutheran Reformation has led to senseless quarrels among pastors, to the despotism of synods and superintendents, and to the horrors of the Thirty Years War. It is only in the eighteenth century by means of the school, the pamphlet, and the press, that Europe has achieved enlightenment and freedom of conscience.[50]

The satire which Pezzl wrote in the interest of tolerance exposed him to the charge of being intolerant himself. The conservative press often pursued this line in order to expose the Enlightenment as hypocrisy.[51] Pezzl devotes Chapter 19 of the Marokkanische Briefe to defending himself. He first justifies the use of satire by the law of an eye for an eye. Since the "zealots" continually heap invective upon the "philosophers," it is just to retaliate. Furthermore,

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[50] Ibid., pp. 222-23.

[51] Kritik über Gewisse Kritiker (1787), p. 168; and (1788), pp. 25-30, 60-64, against Wittola. Cf. Hamid's Meynungen, pp. 113-20, against Pezzl.

he writes, satire does not affect the essence of toleration. A person's rights are injured rather by calumny, confiscation of property, exile, imprisonment, and loss of honor, when these are inflicted merely because of a theological opinion. Fanaticism, not satire, is responsible for all the bloodshed of Christian history.

Fanaticism in enlightened quarters prompted Pezzl's Vertraute Briefe of 1787, a hastily written reply to accusations made by North Germans against the Enlightenment in Austria.[52] Friedrich Nicolai raised doubts about the sincerity behind the religious reforms in the Hapsburg monarchy.[53] Far from being inspired by reason and humanity, he claimed, the reforms are intended to lure Protestants into a friendly attitude toward Catholicism so that they may more easily be subjugated. Joseph's policies, moreover, are related to a conspiracy of ex-Jesuits working in the North.[54]

In the Vertraute Briefe, Pezzl tries to lay to rest the ghost of a systematic Catholic penetration of the North. The facts boil down to a Dominican saying Mass in Brandenburg and a few Scandinavians studying in Linz; the rest is fantasy. He argues that, granted Catholic Germany still shows symptoms of fanaticism, Protestant Germany is far from being enlightened and tolerant. Nicolai has set himself up, writes Pezzl, as the Protestant Torquemada in accusing Lavater, Pfenninger, and other Protestants of being crypto-Catholics.[55] Zeal for converts,

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[52] Johann Pezzl, Vertraute Briefe über Katholiken und Protestanten (Strassburg, 1787).

[53] See Nicolai, Reise durch Deutschland (1785), V, 182, and Allg. Deut. Bibliothek, LXI (1785), 240.

[54] Ibid., LX (1785), 287-94. [55] Ibid., p. 61.

Pezzl continues, exists in Protestant as well as Catholic countries. And he points to Protestant missionaries who penetrated into Salzburg, enticed peasants away from the Catholic church, and thus brought on Bishop Firmian's decree in 1732, banishing Protestants from the principality. Catholic proselytism in the north is not at all likely since Catholic princes, including prince bishops, do not believe in that "miserable business." In Vienna, the fund for converts has recently been suppressed. Speaking for his colleagues among the rationalists, he asks:

> And what does it matter to us South German Catholics if in Saxony, Pomerania, . . . one goes to Mass or not, . . . believes in the Pope, Luther, Calvin, . . . in purgatory and transubstantiation or not; in short, if they profess this or that religion. 56

Catholics in North Germany, Pezzl reports with approval, have not produced an emigration to Catholic lands, or an uprising, or even a single convert.[57]

The Vertraute Briefe differs from Pezzl's previous books in reflecting a sharp accentuation in the hostile feeling between South and North Germany. This change is not surprising in the light of contemporary political events. In the 1780's, Joseph's aggressive foreign policy in the Empire, in particular, his renewed attempt to annex Bavaria led to the formation of the League of Princes under Prussian leadership. In the north, the Aufklärer's reaction, which had been favorable to Faustin and Marokkanische Briefe, was an "annihilating criticism" of the Vertraute Briefe.[58] Nicolai, a peevish

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[56] Ibid., p. 41. [57] Ibid., p. 32.

[58] Gugitz, op.cit., p. 199.

critic, accused Pezzl of a "valet's philosophy" (Kammerdienerphilosophie), of catering to the viewpoint of ministers of state.[59] Nicolai admitted that some intolerance existed in Prussia, but he thought it was justified. His periodical thenceforth treated Pezzl roughly, believing him part of the great Catholic conspiracy against Protestantism.[60]

In the light of the Vertraute Briefe, it is scarcely possible to agree with Gustav Gugitz, that after 1785 Pezzl presents a completely different point of view on religion.[61] To be sure, a growing conservatism may be reflected in several contemptuous references in the Vertraute Briefe to the common sort of men. This passage, for instance, belittles their independence of judgment:

> The people never think; preach Christianity to them today, paganism tomorrow; they follow blindly their leader. [62]

However, Pezzl had made quite similar observations in the Marokkanische Briefe about the common man's inability to understand the Bible and to discuss rationally religious questions. The Viennese author is as clearly a deist in this work as he is in Faustin. His contempt for monks, Jesuits, papacy, Catholic dogma, and other aspects of orthodoxy is as strong as before, and his condemnation of Protestant intolerance is very similar to what he expresses in the Marokkanische Briefe. Indeed, what distinguishes all of Pezzl's writing on religious liberty is its radical anti-Christian bias.

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[59] Allg. Deut. Bibliothek, 5. Anhang zu dem 53-86 Bde, pp. 1587-93.

[60] Gugitz, op.cit., p. 199.

[61] Ibid., p. 197.

[62] Vertraute Briefe, p. 136.

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Among the Vienna radicals, many thought that the Edict did not go far enough. However, only the poet, Johann Baptist Alxinger, publicly criticized the shortcomings of the government's idea of toleration. He looked at religious liberty from a deistic point of view, sharing Pezzl's belief that Christianity was one of the chief sources of intolerance. In 1783, Alxinger contributed the poem "Die Duldung" to the polemic literature against Joseph's persecution of the Deists in Bohemia.

Alxinger was born of well-to-do parents in Vienna, in 1755.[63] After excellent training by the Jesuits in the Greek and Latin classics, he studied law under Martini and received the doctor's degree in the university's juridical faculty. The lawyer's craft did not interest him and, financially independent, he seldom practiced it. He followed instead the poet's calling. From an early age, he had shown a predilection for literature, in which he was encouraged by close association with Karl L. Reinhold, his boyhood friend. Alxinger became the most erudite of the "Vienna Friends," respected by contemporaries for the breadth and solidity of his reading in both ancient and modern literature.

His circle of literary acquaintances was unusually large. While working as a minor official in the Bohemian-Austrian Court Chancellery, he associated with Sonnenfels, von Gebler, Ratschky, and Paul Weidmann. Alxinger corresponded with many North German authors and critics, and

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[63] For Alxinger's life and works, see E. Probst, "Johann Baptist von Alxinger," Jahrb. d. Grillparzer Gesell., VII (1897), 171-202.

on a trip to Berlin in 1784, he met with Nicolai and other members of the Mittwochsclub.[64] In Weimar, he stayed at the home of Christoph Martin Wieland, the "German Voltaire," in whose urbane hedonism and cosmopolitan perspective Alxinger recognized a spirit like his own. Friendship grew up between the two writers. From Wieland's Oberon Alxinger drew inspiration for his own epic, Doolin von Mainz.

The masonic order attracted him with its non-sectarian ideal of brotherhood. Very active among Vienna's freemasons, he became, in 1781, master of the lodge Zum heiligen Joseph. Four years later, he joined Ignaz von Born's lodge, Zur wahren Eintracht, whose intellectual interests he shared.[65] The subsequent decline of freemasonry in Austria disenchanted Alxinger. He deplored the growth of the Rosicrucians and other esoteric sects and, especially, the intolerance which rival masonic systems showed to one another over differences in ceremonies and the interpretation of traditions.[66] Abandoning the order, he nevertheless retained a strong sympathy for its ideals, and in 1792, he defended them in the popular tract, Anti-Hoffmann.[67]

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[64] R.M. Werner, Aus dem Josephinischen Wien: Geblers und Nicolais Briefwechsel, 1771-1786 (Berlin, 1888), p. 126.

[65] Alxinger to Reinhold, 1785, in Keil, op.cit., p. 41.

[66] Alxinger's distress is evident in "Über Maurerintoleranz," an article he published in the Journal für Freimaurer, OO (1785), Part IV, 29-42, in which he likens this intolerance to that of the Catholic church: both have their roots in "fanaticism," i.e. in passions that are not governed by reason. Abafi, op.cit., IV, 294, erroneously cites this title as "Über Maurertoleranz." Cf. also Alxinger's letter to Dr. Stoll, in Nagl, op.cit., II, 316, and his letters to Reinhold, 1785 and 1786, in Keil, op.cit.

[67] Alxinger remained faithful to deism, defending its principles against skeptics who undermined belief in a life after death. In the epic, Blumbris, 1791, he represents David Hume in the guise of Maragoss, a slain dragon. Cf. J. Nadler, Geschichte der deutschen Literatur (Regensburg, 1961), p. 200.

His strong humanistic convictions led Alxinger much further than the other "Vienna Friends" in defending religious liberty.[68] In 1783, he attracted widespread attention with a number of radical, didactic poems in one of Germany's leading periodicals, the Deutsches Museum of Leipzig.[69] One of these, "Die Duldung," was prompted by Joseph's treatment of the peasants in Bohemia whose Deism some authors regarded as an enlightened, natural religion.[70]

The main theme of this poem is that a prince cannot be called tolerant if he rewards belief and punishes disbelief. Alxinger argues really not for toleration but for religious equality. He directs his criticism at two aspects of the Emperor's Edict: the predominant position of the Catholic church and the requirement that everyone must conform to one of the four legal churches. Neither Joseph nor the Bohemian Deists are mentioned by name. But it is clear from the context that Alxinger has them in mind when he says that a prince should not force a man, who cannot believe, to become a hypocrite. Alxinger strengthens the poem's Austrian reference by criticizing the "pious Ferdinands" who hardened their hearts toward their people.

True to the German tradition of natural law, Alxinger acknowledges

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[68] For a favorable impression of Alxinger's personality, see especially Emil Karl Blümml (ed.), Caroline Pichler, Denkwürdigkeiten aus meinem Leben (München, 1914), I, 49, 84, 112, 134.

[69] "Die Duldung," Deutsches Museum, II (October, 1783), 322-26; "Die Priester Gottes," ibid., II (November, 1783), 398-404; "Der Cölibat," ibid., II (December, 1783), 514-19.

[70] Cf. Count Mirabeau, Schreiben des Herrn Grafen von Mirabeau . . . nebst einem Anhang über die Deisten in Böhmen und deren Verfolgung im Jahre 1783 (s.l., 1786). Concerning this pamphlet, cf. Louis de Loménie, Les Mirabeau (Paris, 1889-91), V, 465, 480.

the prince's absolute right over the property and the lives of his people, while denying that the people have, or could have, given him the right to determine their consciences. In the concluding exhortation, Alxinger asserts that religious belief should not in the least concern the prince, so long as the citizens obey the law.

> How a person believes, you should leave that be. Look only to how he behaves, and never ask questions if he, faithful to the smallest duties of a citizen, always acts blamelessly before your eyes. 71

To Alxinger, the religious customs and beliefs which distinguish Christian from Jew, Catholic from Protestant, are meaningless.

> Never ask, . . . was water poured over you as a child, or not? Have you still the foreskin? Do you believe that evil in the world came from apples or from money boxes? What do you think about the peddling of indulgences? Do you believe that the man in Rome is infallible? Is there not a page missing in your Bible? 72

So, he boldly tells the prince not to pry into a person's beliefs.

> Therefore, cease humiliating us from now on with your despotic, "What do you believe?" 73

Alxinger may be alluding to the fact that Joseph personally disputed with representatives of the peasants concerning their beliefs.

Religious persecution not only violates nature; it also fails of its object, as shown by three typical reactions to royal inquisition.

> The clever man understands this farce and knows how to steer clear of it. 74

"The clever man," Der Weise, is perhaps a person such as Alxinger

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[71] Deutsches Museum, II (October, 1783), 326. [72] Ibid.

[73] Ibid. [74] Ibid.

himself, or Kaunitz, who conformed externally to the practices of the established church while not actually holding its beliefs.

The second reaction is that of the fanatic.

> The fanatic, not made to keep his thought to himself, speaks his mind out loud, and then quietly like a stoic lets himself be decapitated or hung. 75

Alxinger has in mind here, it seems, the Bohemian peasants who could not be persuaded to practice their religion only in private.

The third is that of the courtier.

> To be sure, there certainly is no lack of pliant persons for your courtier makes a bow of obeisance and swears that he believes firmly what your Majesty commands. 76

This is likely a reference to officials and journalists who embraced the established religion for the sake of a career. They are the hypocrites, the only persons to benefit from the kind of ecclesiastical system maintained by the Emperor.

This poem, and the others which appeared in the Deutsches Museum, made Alxinger immediately known to the German reading public and prepared the way for his visits to Wieland and to Nicolai. In 1785, Reinhold gave the poems a favorable review in Wieland's Teutschen Merkur.[77] Official reaction in Vienna was disapproving, though polite. When Alxinger attempted to include these poems in a Vienna edition of his collected writings in 1785, van Swieten came personally to him to say that three of them, including "Die Duldung," could not be published. Alxinger had them printed separately and inserted in

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[75] Ibid. [76] Ibid.

[77] Probst, op.cit., p. 180.

copies shipped to non-Catholic countries.[78]

Long before the government's prohibition, enlightened readers in Vienna had had ample opportunity to read "Die Duldung," since the Deutsches Museum was easily accessible in Vienna. In 1784, many read it in the Biedermannschronik.[79] Thus it is likely that the poem made a considerable impact on the public. Its impact on government policy is difficult to determine. Joseph, who was not usually sensitive to public opinion, was concerned about his reputation as an "enlightened" ruler. Anticipating this criticism from Alxinger and the Aufklärer in Germany, Joseph may have decided to mitigate the measures taken against the Deists.[80]

Alxinger did not write again on the problem of religious liberty, but he remained critical of Joseph's policies. In 1786, in a letter to Reinhold, whom he kept informed about politico-ecclesiastical

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[78] Cf. Keil, op.cit., p. 37.

[79] Johann Rautenstrauch, op.cit., pp. 11-12.

[80] Chief among the German critics of Joseph's persecution of the Deists were A.L. Schlözer, Staats-Anzeigen, V (1783), 7-11, and VIII (1785), 124-27, and F. Nicolai, Allg. Deut. Bibliothek, LIV (1783), 617-33. See also Johann G. Herder, Briefe zu Beförderung der Humanität, in H. Kurz (ed.), Herders Werke (Leipzig, 1885), IV, 48; C.W. Dohm, Denkwürdigkeiten meiner Zeit (Lemgo, 1814), II, 277-83; and the anonymous, Briefe aus Berlin über verschiedene Paradoxe dieses Zeitalters (Berlin [Breslau], 1783), pp. 395-96. P.A. Winkopp's Geschichte der Böhmischen Deisten nebst freimüthigen Bemerkungen über die Grundsätze und Duldung der Deisten (Leipzig, 1785), is a book-length defense of the Deists as useful, not merely harmless, citizens of the state. Like most critics, Winkopp decries Joseph's failure to base his policy of toleration explicitly upon principles of natural law and to tolerate every belief consistent with natural religion. On the other hand, he exonerates the Emperor from responsibility for the harsh way in which the military carried out the transportation. Similar criticism of the Austrian government's policy in Bohemia is found in Franz Rudolf von Grossing, Allgemeines Toleranz- und Religionssystem für alle Staaten und Völker in der Welt (Leipzig, n.d.). Grossing was a Vienna writer, expelled from Austrian government service and living in self-imposed exile.

conditions in Austria, he reports a recent regulation for Bohemia permitting the Catholic clergy once again to give polemical sermons.[81] This concession, explains Alxinger, allows priests to teach from the pulpit that the Catholic church is the "one, saving religion, and outside it, there is no true priesthood and no true doctrine." Alxinger sardonically adds:

> Still, this prerogative is enjoyed only by the dominant religion (a worthy pendant to the one, saving church). [82]

Alxinger was the most deeply committed among Josephinists to the secular humanistic ideals of the Austrian Enlightenment. "We are all seekers," he asserts; no person or institution possesses absolute truth. Tolerance means open-mindedness, the willingness to learn the truth from others.[83]

This idea of human freedom, representative of the "Vienna Friends," differs in many respects from that of the main body of Josephinists. Focusing on the human person, rather than on the state or the church, the "Vienna Friends" treat religion mainly as an individual's responsibility. Each person, they hold, should be free to change his religious affiliation without any political, social, or economic disadvantage to himself, as long as he lives according to the rules of natural morality.

Their writings differ from those of enlightened absolutists, such as Sonnenfels, in not stressing the expediency of toleration for the

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81 Alxinger to Reinhold, 1785, in Keil, op.cit., p. 40.

82 Ibid.

83 Alxinger, "Maurerintoleranz," Journal für Freimaurer, OO (1785), Part IV, 40.

state, as if that were its principal justification. Religious liberty, insist the "Vienna Friends," rests on natural law. Neither the "one, saving church" nor the Bible nor the state is entitled to dictate articles of belief to men. The truth can be discovered only by the free exercise of reason. With this conviction, they vigorously condemn Christian intolerance. But, except for Alxinger, they do not effectively criticize the ambiguous basis of the Emperor's policy of toleration or his persecution of the Bohemian Deists.

EPILOGUE

Public discussion of the treatment of religious dissenters virtually ceased after Joseph's death. Fear that the French Revolution might inspire similar upheavals in the monarchy caused the government to discourage any kind of political or religious debate. The censorship, consequently, exercised its functions more strictly. The flood of pamphlets was reduced to a trickle and journals of opinion disappeared. Wittola, for instance, experienced increasing difficulty in publishing the Neueste Beiträge until, in 1792, it was closed.

Official policy, after 1790, was more concerned than it had been under Joseph for the security of the Catholic church. Anti-clerical propaganda was suppressed, and school teachers were restrained from criticizing the church. The bishops recovered partial control over the education of the clergy as the general seminaries were abolished. From 1790 to 1791, several bishops attempted to persuade Leopold II to abrogate the Edict along with other Josephinist reforms. The bishops of Linz, Leoben, Leitmeritz, Budweis, and Gradiska complained that the existing system made conversion too easy for Catholics. Migazzi, claiming that toleration was too widely extended, asked that Catholics not be permitted to change religion, even with the six-week instruction course.[1] It also bothered him that Jews and Protestants were free to

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[1] Cf. Maass, op.cit., IV, 148, No. 8.

seek the doctor's degree and professorships.[2] He did not say in so many words that Protestants should lose all their rights but that could be inferred from the remarks he made about the results of allowing toleration. So widely extended, he said, it has inclined the people toward false religion or at least made them indifferent toward the true one.

The bishops' complaints were seconded by several provincial estates, chiefly by the Bohemian. Nevertheless, the Emperor, who had to yield on many other points, maintained Joseph's Edict in the western provinces. In Hungary, he faced a livelier dispute as the hierarchy demanded the abolition of the Edict while the Protestants demanded its further liberalization. The Hungarian Diet, which could not come to an agreement, asked Leopold to find a solution. He settled the matter in favor of the Protestants. In a resolution of November 7, 1790, they were granted almost complete religious freedom.[3]

Francis II, reactionary in other respects, preserved Joseph's concessions to non-Catholics substantially intact. One alteration satisfied a long-standing Protestant desire: in 1819, Francis approved the erection of a Protestant theological school in Vienna, which opened in 1821 and became a university faculty in 1850. A change for the worse concerned mixed marriages. By a law of 1829, the non-Catholic husband had to promise to raise all his children in the Catholic religion, and ten years later the canonical promises were reestablished. There were no further changes in the status of the tolerated churches until 1861 when the Liberals introduced almost full religious equality.

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[2] Ibid., No. 11. [3] Beidtel, op.cit., I, 420.

In the decades after Joseph's death appeared the long-range effects of his legislation and of the literature which justified it. The Josephinist textbooks remained in use or were replaced by books similar in point of view.[4] The bureaucracy also continued to apply the limited toleration of the reform era. Religious extremists, now tainted with political radicalism, were persecuted as before. A small group of tailors and cobblers in Vienna were punished in 1794 for attempting to propagate atheism. Their case was linked by conservative officials to that of several Austrian Jacobins, tried the next year. Pergens' police also harassed the masonic lodges and, in June 1795, suppressed them.[5] Protestants and Jews, however, were not disturbed, for they were regarded by the bureaucracy as on the side of order.

Protestants, in particular, continued to enjoy a good reputation among middle and upper class Austrians, as reasonable and well-behaved.[6] They benefited from the myth of Joseph, which began to grow immediately after his death and exercised a continuing, if undefinable, force for tolerance in the German-speaking lands. In the countryside, the influence of the schools, the conduct of the authorities, and sometimes the attitude of the Catholic pastor virtually eliminated religious hatred in provinces, especially the western, where Protestants were peaceful and drew little public attention to themselves.[7] Hard feelings continued to exist in Hungary where Protestants pushed vigorously to extend their rights.[8]

The bishops' fear of Catholics leaving the church did not materialize.

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[4] Ibid., I, 164. [5] Wangermann, op.cit., 171.

[6] Beidtel, op.cit., II, 167. [7] Ibid. [8] Ibid., p. 168.

The formalities involved in changing to a tolerated religion were sufficiently burdensome to dissuade all but the most zealous would-be Protestants. Religious indifference, which characterized the age, caused the number of conversions to dwindle to insignificance. In the early nineteenth century, the trend ran in favor of the Catholic church by about three to one. Religious dissent thus ceased being a serious problem.

CONCLUSION

This study has attempted to show how Austrian Catholics dealt with the question raised at the time of Joseph II, How should the government of a Catholic state treat religious dissenters? There were three generally different answers deriving from as many opposing social philosophies. Spokesmen of the Respublica Christiana, the sacral society reconstructed in Austria during the Counter Reformation, restated Catholic belief in religious uniformity. Maria Theresia, Count Blumegen, Cardinal Migazzi, and other conservatives agreed with the Pope and most theologians that a Catholic ruler might grant toleration only in case of unavoidable necessity. Furthermore, they held to the traditional principle that if the state is Catholic, heresy should be a civil as well as an ecclesiastical crime, for the ruler must use his God-given coercive power to maintain the true faith. Harshness is justified since dissenters are usually guilty of wilfully rejecting God's revealed truth. With this reasoning Maria Theresia suppressed the Moravian Protestants in 1777, Count Blumegen obstructed progress toward the Edict of Toleration, Cardinal Migazzi submitted frequent protests against concessions to the Protestants, and Pius VI condemned the pastoral letters of Bishops Hay and Herberstein.

These conservative attempts to preserve the Christian Commonwealth

were doomed to fail. Under the influence of the Enlightenment, too many educated Austrians, including the Emperor, no longer fully believed in it. The majority of them were not ready to abandon entirely the confessional character of the state but they desired to secularize those public institutions which did not relate directly to religion. Joseph II, Kaunitz, Gebler, Abbot Rautenstrauch, and other moderately enlightened Austrian Catholics rejected the official Catholic teaching and practice concerning the suppression of heresy. They granted that religious dissent is evil, or at least undesirable in a Catholic state, but not an unmitigated disaster either to the state or to religion. The more secular-minded Josephinists, although moved by humanitarian concern for the welfare of individuals, saw in toleration chiefly its benefits to the state. Like Kaunitz, they thought it would quiet peasant unrest, increase population, and cultivate good relations with Protestant powers.

The religious-minded reformers, under the influence of Muratori and Febronius, regarded toleration as a form of charity, the heart of true Christian devotion, whose practice is the best means of restoring Christian unity. The key issue between contemporary official Catholicism and enlightened Catholics, such as Hay and Herberstein, was the use of coercion against religious dissenters. The latter, stressing moral uprightness rather than doctrinal correctness, were not strongly tempted to resort to drastic measures to "save souls," since they believed that religious dissenters seldom, if ever, committed the sin of heresy. In any case, enlightened Catholics, even

the orthodox Paul Weidmann and the Jansenists, Wittola and Tamburini, categorically repudiated coercion as contrary to the Gosepl as well as to natural law. Sometimes, this principle led to sharp conflict, as between Pius VI and the Austrian government, in the years 1785 to 1787, over the orthodoxy of Bishop Herberstein's justification of the Edict of Toleration. This, however, was a "family quarrel." While enlightened Catholics came into conflict with contemporary Catholicism, their arguments did not touch on basic doctrine or question the church as a divine institution. The heterodox tendencies, prominent in Bartholotti and other radical clerics, were not characteristic of enlightened Catholicism as a whole. Therefore, conservative Catholics generally found it possible to reconcile themselves to the Emperor's refusal to place his sword in the service of the church.

On this Christian and pragmatic foundation, the <u>via media</u> of the Enlightenment in Austria, the Emperor, aided by enlightened clerics, government officials, and journalists, worked out a sincere, but restricted program of religious toleration. On the one hand, the government permitted most Protestants to worship privately, to form religious associations, and to enjoy most of the rights of citizenship. Fearful of peasant unrest, it persecuted the Deists in Bohemia and other nonconformist sects. In deference to anti-Semitism the government denied full liberty to the Jews, but it relieved them of many vexatious regulations. With all its limitations, this reform legislation was effectively implemented, permitting the establishment of numerous Protestant parishes in the western provinces. On the other

hand, the Josephinist program of toleration called for the continued predominance of the Catholic church in public life. The government discouraged the defection of Catholics from the church by increasing the difficulty of joining a tolerated confession. Further it attempted to counteract the spread of religious indifference by publicly endorsing the Catholic faith.

In contrast to the attempt of moderate Josephinists to reform, rather than overthrow, the traditional established church, a minority among enlightened Austrians desired the complete secularization of society. These radicals included most of the literati of Vienna, notably the "Vienna Friends," as well as Gottfried van Swieten and several other high government officials. Steeped in pagan literature, classic and modern, and inspired by masonic ideals of brotherhood, Alxinger, Pezzl, Watteroth, and other secular humanists tried to inculcate in the people a tolerance that is incompatible with Catholicism of any description. Not only did they condemn discrimination among citizens because of religion and depreciate the idea of a state church, but they also argued that dissent from the doctrines and practices of the Catholic church is harmless so long as the dissenters adhere to the rules of natural morality. Deists by conviction, the radicals implied that, since none of the Christian confessions serves a valid political or religious purpose, the state should encourage the growth of a civic religion without transcendental creed or code and let individuals determine their own religious principles.

From key positions in the schools and the censorship, the secular

humanists fostered their idea of toleration in appointing teachers and school officials, selecting textbooks, and encouraging writers of their own point of view. From the masonic lodges they poured out a stream of pamphlets, poems, and periodicals ridiculing fanaticism while advocating the natural brotherhood of man. With the exception of Alxinger's condemnation of the persecution of the Bohemian Deists, the radicals did not carry their campaign for religious liberty into direct criticism of the shortcomings of the government's policy. The Emperor, nevertheless, recognized in their propaganda a threat to Catholicism as the dominant religion of the state and eventually reduced their influence. Not, however, before the radicals had convicted the Catholic church of intolerance and laid the foundation of a laic mentality among educated Austrians.

The final question of this study concerns the extent to which Joseph and the other reformers drew upon Catholicism itself. Their idea of toleration grew from many roots. One of these was Catholicism, the entire Catholic tradition from the Apostles and Fathers of the primitive church to Muratori and other enlightened theologians of the eighteenth century. From this tradition, enlightened Catholics, particularly the Jansenists, selected the basic elements of their religious philosophy: firm belief in the divine authority of Holy Scripture and the church; reasonable, humane conceptions of man's social and moral universe; zeal for reform of church and society.

Apart from the radical minority which repudiated this tradition, Josephinists varied in the stress that they placed on Christian, as distinct from secular principles. The Jansenists, more than the others,

resisted the contemporary tendency to overlook doctrinal differences between Catholics and other Christians. Both Wittola and Tamburini are typical of the sect in insisting upon the integrity of Catholic doctrine as well as on the visible unity of the church. Their idea of toleration is free of connotations of indifference. This cannot be said of Bartholotti whose writing rests on a virtually tri-confessional view of Christianity. His treatise suggests that toleration means a moralistic indifference to theology. The main body of enlightened Catholics, including the Emperor, Bishops Hay, Herberstein, and Auersperg, and laymen, such as Paul Weidmann, repudiated the principles of canon law and moral theology which called for the persecution of dissenters. But they accepted traditional Catholic doctrine without question, stressing those principles which justify religious freedom. From this tradition all enlightened Catholics drew respect for the freedom requisite to the act of belief, aversion to the use of force against conscience, and above all, the example of the patience and gentleness of Christ in dealing with the erring.

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